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<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----X MARIA SUAREZ, Plaintiff, -against 19-CV-02721-GRB-SIL SOUTHERN GLAZER'S WINE & SPIRITS OF NEW YORK, LLC, Defendant. -----X October 3, 2022 200 Broadhollow Road Melville, New York 10:30 a.m. EXAMINATION BEFORE TRIAL of a Defendant, Southern Glazer's Wine & Spirit, by Kevin Randall, pursuant to Notice, held at the above-mentioned time and place, before Camille Dandola, a Notary Public of the State of New York.</p>	<p style="text-align: right;">Page 3</p> <p>1 FEDERAL STIPULATIONS 2 3 IT IS HEREBY STIPULATED AND AGREED 4 by and between the counsel for the respective 5 parties hereto, that the filing, sealing, and 6 certification of the within deposition shall 7 be and the same are hereby waived; 8 9 IT IS FURTHER STIPULATED AND AGREED 10 that all objections, except as to the 11 form of the question, shall be reserved 12 to the times of the trial. 13 14 IT IS FURTHER STIPULATED AND AGREED 15 that the within deposition may be signed before 16 any Notary Public with the same force and 17 effect as if signed and sworn to before this 18 court. 19 20 21 * * * * * 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 MOSER LAW FIRM, PC Attorneys for Plaintiff 4 5 East Main Street Huntington, New York 11743 5 6 BY: STEVEN MOSER, ESQ. 7 8 CONSTANGY, BROOKS, SMITH & PROPHETE, LLP Attorneys for Defendant 9 175 Pearl Street, Suite C-402 Brooklyn, New York 11201 10 BY: ANJANETTE CABRERA, ESQ. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 KEVIN RANDALL, the witness herein, 2 having been first duly sworn by a Notary Public 3 in and of the State of New York, was examined 4 and testified as follows: 5 THE REPORTER: Please state your 6 name and address for the record. 7 THE WITNESS: Kevin Randall, 345 8 Underhill Boulevard, Syosset, New York. 9 EXAMINATION BY 10 MR. MOSER: 11 Q. Good morning, Mr. Randall. My name is 12 Steve Moser. I am an attorney. I represent Maria 13 Suarez with regard to certain claims that she has 14 against Southern Glazer's Wines and Spirits. 15 Have we ever met before today? 16 A. No. 17 Q. Do you understand that the oath that 18 you just took to be the same oath to tell the truth 19 in court in front of the judge and the jury? 20 A. I do. 21 Q. Have you ever testified under oath 22 before? 23 A. In arbitration cases. 24 Q. How many arbitration cases did you 25 testify in, briefly?</p>

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<p>1 K. RANDALL</p> <p>2 A. Possibly three.</p> <p>3 Q. What was the nature of those</p> <p>4 arbitrations?</p> <p>5 A. There was one with work rules in the</p> <p>6 warehouse between clerical and the warehouse work.</p> <p>7 I've been around 17 years. I can't remember the</p> <p>8 other ones but I have been in a couple.</p> <p>9 Q. Were those all union arbitrations?</p> <p>10 A. I'd say, yes.</p> <p>11 Q. Which union did they involve?</p> <p>12 A. Local 1 here in Metro New York. I came</p> <p>13 here from Syracuse originally. Up there I didn't</p> <p>14 have any.</p> <p>15 Q. Are you currently employed by Southern</p> <p>16 Glazer Wine and Spirits?</p> <p>17 A. Yes.</p> <p>18 Q. In the past 10 years has the corporate</p> <p>19 name changed?</p> <p>20 A. Yes. Went to Southern Wine and Spirits</p> <p>21 to Southern Glazers Wine and Spirits.</p> <p>22 Q. Why did it change?</p> <p>23 A. We had a merger between our company and</p> <p>24 another company based in Texas.</p> <p>25 Q. For the purposes of today's deposition</p>	<p>1 K. RANDALL</p> <p>2 Q. Was Wine Merchants acquired by</p> <p>3 Southern?</p> <p>4 A. No.</p> <p>5 Q. When you left Wine Merchants what was</p> <p>6 your job title?</p> <p>7 A. At Wine Merchants I was the head of the</p> <p>8 purchasing department in Wine Merchants.</p> <p>9 Q. Why did you leave Wine Merchants?</p> <p>10 A. Southern Wine and Spirits opened up the</p> <p>11 building and so they were looking for experienced</p> <p>12 help and so I applied for the job.</p> <p>13 Q. Into what position were you originally</p> <p>14 hired?</p> <p>15 A. It as the head of purchasing.</p> <p>16 Q. How long were you head of purchasing</p> <p>17 for?</p> <p>18 A. About a year and half.</p> <p>19 Q. What was your next job title?</p> <p>20 A. Director of operations.</p> <p>21 Q. Were you the director of operations for</p> <p>22 the specific facility or region?</p> <p>23 A. Upstate New York.</p> <p>24 Q. What did that encompass, what</p> <p>25 geographic area?</p>
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<p>1 K. RANDALL</p> <p>2 when I say Southern I am going to mean Southern</p> <p>3 Glazer Wine and Spirits or its predecessor,</p> <p>4 Southern Wine and Spirits. Do you understand that?</p> <p>5 A. I understand that.</p> <p>6 Q. How long have you been employed by</p> <p>7 Southern?</p> <p>8 A. Since 2005, it would be 17 years.</p> <p>9 Q. How old are you?</p> <p>10 A. I'm 64.</p> <p>11 Q. When are you scheduled to retire, if</p> <p>12 ever?</p> <p>13 A. I'm planning on at 68, three more</p> <p>14 years.</p> <p>15 Q. What's your highest level of education?</p> <p>16 A. I have a bachelor's degree in</p> <p>17 accounting from Le Moyne College in Syracuse.</p> <p>18 Q. Who were you employed for before you</p> <p>19 worked for Southern?</p> <p>20 A. A company called Wine Merchants. The</p> <p>21 same industry. Wine Merchants that was in</p> <p>22 Syracuse.</p> <p>23 Q. How long were you employed by Wine</p> <p>24 Merchants for?</p> <p>25 A. Ten years.</p>	<p>1 K. RANDALL</p> <p>2 A. Everything north of the Tappan Zee</p> <p>3 Bridge.</p> <p>4 Q. Who did you report to when you were the</p> <p>5 director of operations?</p> <p>6 A. The GM in Syracuse, Dan Sisto.</p> <p>7 Q. For how long were you the director of</p> <p>8 operations for Upstate New York?</p> <p>9 A. For the remaining eight years that I</p> <p>10 was there.</p> <p>11 Q. Why did you leave Upstate New York?</p> <p>12 A. I got promoted to the vice-president of</p> <p>13 operations in Metro New York.</p> <p>14 Q. For Southern?</p> <p>15 A. Southern, yes.</p> <p>16 Q. What geographic area does Metro New</p> <p>17 York cover?</p> <p>18 A. Tappan Zee Bridge down to Manhattan,</p> <p>19 Long Island.</p> <p>20 Q. How many Southern facilities are</p> <p>21 located south of the Tappan Zee in New York?</p> <p>22 A. One.</p> <p>23 Q. Where is that located?</p> <p>24 A. Syosset, New York.</p> <p>25 Q. How big is the Syosset, New York</p>

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<p>1 K. RANDALL</p> <p>2 warehouse?</p> <p>3 A. It is 375,000 square feet.</p> <p>4 Q. How much inventory is stored at any</p> <p>5 given time in terms of value in this warehouse?</p> <p>6 A. Two billion.</p> <p>7 Q. Can you describe your role as a VP of</p> <p>8 operations in Metro New York?</p> <p>9 A. I oversee all the departments under the</p> <p>10 operations umbrella. It would be delivery,</p> <p>11 warehouse, it would be facilities, customer</p> <p>12 service.</p> <p>13 Q. How many people work under you?</p> <p>14 A. Six hundred.</p> <p>15 Q. Do you like working at Southern?</p> <p>16 A. Love it.</p> <p>17 Q. Who is your direct report?</p> <p>18 A. Right now Roy Kohn, K-O-H-N.</p> <p>19 Q. Who is Roy Kohn?</p> <p>20 A. He is the regional vice-president,</p> <p>21 northeast region.</p> <p>22 Q. How long have you known Mr. Kohn?</p> <p>23 A. Fifteen years.</p> <p>24 Q. Are you friends with Mr. Kohn?</p> <p>25 A. No. Not friends, business.</p>	<p>1 K. RANDALL</p> <p>2 question.</p> <p>3 MR. MOSER: Mark it for a ruling.</p> <p>4 Q. Have you ever been accused of sexual</p> <p>5 harassment in the workplace?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been accused of</p> <p>8 discrimination in the workplace?</p> <p>9 A. No.</p> <p>10 Q. Have you ever been a party to any prior</p> <p>11 litigation?</p> <p>12 A. No.</p> <p>13 Q. Have you ever sued or been sued by</p> <p>14 anyone?</p> <p>15 A. No.</p> <p>16 Q. Where were you born?</p> <p>17 A. Watertown, New York.</p> <p>18 Q. Have you ever been convicted of a</p> <p>19 crime?</p> <p>20 A. No.</p> <p>21 Q. Are you familiar with an individual by</p> <p>22 the name of Maria Suarez?</p> <p>23 A. I am.</p> <p>24 Q. Who is Maria Suarez?</p> <p>25 A. Maria worked under my organization</p>
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<p>1 K. RANDALL</p> <p>2 Q. Business associates?</p> <p>3 A. Yes.</p> <p>4 Q. What's your total salary?</p> <p>5 MS. CABRERA: Objection. Why is</p> <p>6 that relevant?</p> <p>7 MR. MOSER: If a witness is</p> <p>8 testifying for an employer and is</p> <p>9 earning a half-million dollars a year</p> <p>10 in a job, I think that's relevant. I</p> <p>11 don't know how much he is earning but I</p> <p>12 think it's relevant.</p> <p>13 MS. CABRERA: I mean I don't want</p> <p>14 to start the deposition this way. I</p> <p>15 don't see how that is at all relevant</p> <p>16 to this case or anything in this case.</p> <p>17 If you can, let's just put an pin in</p> <p>18 it. I am not going to tell him to</p> <p>19 answer for the entire day. I am</p> <p>20 directing him at this point not to</p> <p>21 answer that question.</p> <p>22 He is not a named individual in</p> <p>23 this case. I don't understand why his</p> <p>24 salary is at all relevant. I am</p> <p>25 directing you not to answer that</p>	<p>1 K. RANDALL</p> <p>2 chart when I came to Metro New York in 2013, in the</p> <p>3 inventory capacity.</p> <p>4 Q. Let's go back just for a moment. Did</p> <p>5 you do anything to prepare for your deposition here</p> <p>6 today?</p> <p>7 A. I spoke with counsel.</p> <p>8 Q. I don't want to know what you spoke</p> <p>9 about. You spoke with the counsel, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Did you review documents to prepare for</p> <p>12 today?</p> <p>13 A. There was a couple.</p> <p>14 Q. What documents did you review?</p> <p>15 A. There were some emails I believe.</p> <p>16 Q. Besides reviewing emails, did you</p> <p>17 review any other documents to prepare for your</p> <p>18 testimony here today?</p> <p>19 A. No.</p> <p>20 Q. Are you under the influence of any</p> <p>21 narcotics or medication which will affect your</p> <p>22 ability to testify truthfully and accurately?</p> <p>23 A. No.</p> <p>24 Q. Can you think of any reason why you</p> <p>25 would not be able to testify truthfully and</p>

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<p style="text-align: right;">Page 13</p> <p>1 K. RANDALL</p> <p>2 accurately today?</p> <p>3 A. No.</p> <p>4 MS. CABRERA: Off the record.</p> <p>5 (Whereupon, an off-the-record</p> <p>6 discussion was held.)</p> <p>7 Q. Back in 2013 when you came from Upstate</p> <p>8 New York to the Syosset facility was the warehouse</p> <p>9 the same size?</p> <p>10 A. Yes.</p> <p>11 Q. Was the total value of the inventory</p> <p>12 stored at that facility approximately the same in</p> <p>13 2013?</p> <p>14 A. It was slightly less. We picked up a</p> <p>15 line called De Angelo. A higher level of spirits.</p> <p>16 I would say it was half a billion less.</p> <p>17 Q. It was approximately 1.5 billion in</p> <p>18 2015, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever been trained in human</p> <p>21 resources? Have you ever received any training in</p> <p>22 human resources either by Southern Wine and Spirits</p> <p>23 or educationally outside of Southern?</p> <p>24 A. In Syracuse human resources reported to</p> <p>25 me under my umbrella. When I came to Metro there</p>	<p style="text-align: right;">Page 15</p> <p>1 K. RANDALL</p> <p>2 A. Approximate date.</p> <p>3 Q. I am not asking you to be a dictionary,</p> <p>4 that's fine.</p> <p>5 A. I am going to say 2018.</p> <p>6 Q. If I said April 6th of 2018 does that</p> <p>7 refresh your recollection, does that sound right?</p> <p>8 A. April 6th is the correct date, if it is</p> <p>9 2018, yes.</p> <p>10 Q. When you were promoted to work at the</p> <p>11 Syosset facility were there any litigations pending</p> <p>12 against Southern?</p> <p>13 A. Not that I was made aware of.</p> <p>14 Q. At any point in time after you began</p> <p>15 your work as the VP of operations in the Metro New</p> <p>16 York did you become aware of any litigation by</p> <p>17 employees of Southern against Southern?</p> <p>18 A. I was aware of one.</p> <p>19 Q. Which one were you aware of?</p> <p>20 A. I don't know if I have her name right.</p> <p>21 Maybe it was Josie.</p> <p>22 Q. If I said Josie Sajous?</p> <p>23 A. That could be her last name. I do not</p> <p>24 know her last name.</p> <p>25 Q. Were there any litigations pending when</p>
<p style="text-align: right;">Page 14</p> <p>1 K. RANDALL</p> <p>2 was a separate division for that. I was in charge</p> <p>3 of human resources, no formal training.</p> <p>4 Q. Did you ever receive any formal</p> <p>5 training from Southern Wine and Spirits regarding</p> <p>6 sexual harassment in discrimination in the</p> <p>7 workplace?</p> <p>8 A. Yes.</p> <p>9 Q. When did you receive that formal</p> <p>10 training?</p> <p>11 A. We do this all the time at Southern</p> <p>12 Glazer's University online. I do not recall the</p> <p>13 last time that I had it. It has been numerous</p> <p>14 times.</p> <p>15 Q. Had you had your last session in the</p> <p>16 past five years?</p> <p>17 A. Yes.</p> <p>18 Q. Is that something that is voluntary or</p> <p>19 mandatory?</p> <p>20 A. I look at it as voluntary. They post</p> <p>21 it but I believe New York State now has something</p> <p>22 where you have to have it done yearly.</p> <p>23 Q. Until what date was Maria Suarez</p> <p>24 employed by Southern; you can give me an</p> <p>25 approximate date?</p>	<p style="text-align: right;">Page 16</p> <p>1 K. RANDALL</p> <p>2 you were transferred?</p> <p>3 A. Not that I know of.</p> <p>4 Q. Do you know an individual by the name</p> <p>5 of Tatiana Herdocia?</p> <p>6 A. She is an employee.</p> <p>7 Q. Has she ever sued Southern?</p> <p>8 A. I believe she has.</p> <p>9 Q. On how many occasions?</p> <p>10 A. Two.</p> <p>11 Q. What did she sue Southern for?</p> <p>12 A. I don't get involved in those at that</p> <p>13 level. I believe it was to do with in equity in</p> <p>14 pay between warehouse and clerical.</p> <p>15 Q. Did that have anything to do with sex</p> <p>16 discrimination?</p> <p>17 A. No.</p> <p>18 Q. Do you know an individual by the name</p> <p>19 of Ena Scott?</p> <p>20 A. I do.</p> <p>21 Q. Did she also sue Southern?</p> <p>22 A. I believe, yes.</p> <p>23 Q. On how many occasions?</p> <p>24 A. I am going to say two.</p> <p>25 Q. What was the nature of her claims</p>

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<p style="text-align: right;">Page 17</p> <p>1 K. RANDALL</p> <p>2 against Southern?</p> <p>3 A. Very similar. The difference between</p> <p>4 clerical work and warehouse work.</p> <p>5 Q. Is there still a union at Southern in</p> <p>6 Syosset?</p> <p>7 A. Yes.</p> <p>8 Q. Was there a union in place when you</p> <p>9 came from Upstate New York?</p> <p>10 A. Yes.</p> <p>11 Q. Was that Local 1?</p> <p>12 A. Local 1.</p> <p>13 Q. Under the terms of the collective</p> <p>14 bargaining unit between Local 1 and Southern were</p> <p>15 there two classifications of employees, the</p> <p>16 warehouse and clerical?</p> <p>17 A. That's correct.</p> <p>18 Q. Is that the same today that collective</p> <p>19 bargaining unit as the two classifications of</p> <p>20 employees, warehouse and clerical?</p> <p>21 A. Yes.</p> <p>22 Q. How many hours per week did you work</p> <p>23 when you first came from Upstate New York to</p> <p>24 Syosset?</p> <p>25 A. In my position I'm going to say 60 to</p>	<p style="text-align: right;">Page 19</p> <p>1 K. RANDALL</p> <p>2 well?</p> <p>3 A. Yes.</p> <p>4 Q. And there's a warehouse?</p> <p>5 A. Yes, next to it.</p> <p>6 Q. When I said employees, I meant any</p> <p>7 employees, including direct staff. In total what</p> <p>8 percentage of your time was spent in meetings with</p> <p>9 employees, either lower level employees or your</p> <p>10 direct staff?</p> <p>11 A. Thirty-five percent.</p> <p>12 Q. Who did you have regular meetings with</p> <p>13 in terms of your direct staff?</p> <p>14 A. Names?</p> <p>15 Q. Yes.</p> <p>16 A. John Wilkinson was our director of</p> <p>17 operations. Robert Weiser was our manager of</p> <p>18 delivery, that was the two people that I dealt with</p> <p>19 from that building as well as my boss and</p> <p>20 accounting people on 313.</p> <p>21 Q. When you say "that building" you are</p> <p>22 referring to the warehouse?</p> <p>23 A. At 345, yes.</p> <p>24 Q. Who from accounting did you meet with?</p> <p>25 A. Usually it would be Adam Pinacowski.</p>
<p style="text-align: right;">Page 18</p> <p>1 K. RANDALL</p> <p>2 70 hours per week.</p> <p>3 Q. Did you have weekly meetings when you</p> <p>4 came from upstate?</p> <p>5 A. Yes, I have staff meetings. Yes, I'd</p> <p>6 have to.</p> <p>7 Q. If you can just give me a general</p> <p>8 breakdown of how you spent your time as VP of</p> <p>9 operations when you came from Upstate New York?</p> <p>10 A. In charge of the budgets. I have to do</p> <p>11 monetary decisions every day. I am in charge of</p> <p>12 the delivery department, which is the teamsters. I</p> <p>13 have to deal with that group of folks and I also</p> <p>14 have to oversee the Local 1 employees in that part</p> <p>15 of the business.</p> <p>16 Q. What percentage of the week was spent</p> <p>17 in meetings with employees?</p> <p>18 A. With employees, 10 percent.</p> <p>19 Q. Other than meetings with employees you</p> <p>20 met -- did you meet with other individuals?</p> <p>21 A. My direct staff. I was not in the same</p> <p>22 building at 345 when I came down. I was stationed</p> <p>23 in 313. I was not in the same building as the</p> <p>24 warehouse and delivery folks.</p> <p>25 Q. There is offices in 313 Underhill as</p>	<p style="text-align: right;">Page 20</p> <p>1 K. RANDALL</p> <p>2 He is the assistant controller, as well as his</p> <p>3 staff, which I do not know all the names. It's</p> <p>4 been awhile. We would sit down once a month review</p> <p>5 the inventory.</p> <p>6 Q. Did you have a one-on-one meeting with</p> <p>7 Maria Suarez?</p> <p>8 A. Yes.</p> <p>9 Q. On how many occasions?</p> <p>10 A. Maybe six.</p> <p>11 Q. Were those meetings requested by you,</p> <p>12 her or someone else?</p> <p>13 A. I don't think she requested. The one</p> <p>14 that I am referring to was the one that I know</p> <p>15 about was when we had a reorganize.</p> <p>16 Q. When you say "reorganize" what are you</p> <p>17 referring to?</p> <p>18 A. When we went into a WMI warehouse</p> <p>19 management system, I believe it was 2017 and we</p> <p>20 brought in computers and a scanner gun to do</p> <p>21 inventory versus a cycle counts monthly and I</p> <p>22 brought that technology with me from Upstate. We</p> <p>23 had to have some different jobs aligned. We kind</p> <p>24 of reorganized how the inventory control team would</p> <p>25 look.</p>

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<p style="text-align: right;">Page 21</p> <p>1 K. RANDALL</p> <p>2 Q. Was there any resistance to that change</p> <p>3 from the union?</p> <p>4 A. No.</p> <p>5 Q. If fully implemented would the</p> <p>6 transition to WMI reduce the time that it took to</p> <p>7 do the inventory?</p> <p>8 A. I wouldn't say it was to reduce the</p> <p>9 time. We had to do it each day versus doing it</p> <p>10 physical at the end of the month.</p> <p>11 Q. As a result of implementing the WMI</p> <p>12 would it reduce the total number of hours needed to</p> <p>13 be worked at the facility?</p> <p>14 A. I suppose that would be right. We</p> <p>15 wouldn't be physically counting every month with</p> <p>16 the whole warehouse. It was not part of their</p> <p>17 position to do. Everyone counted when we did the</p> <p>18 physical counts.</p> <p>19 Q. Did you ever do an analysis of the</p> <p>20 labor savings that would be seen from implementing</p> <p>21 WMI?</p> <p>22 A. No.</p> <p>23 Q. Can you give me an estimate of what</p> <p>24 percentage in terms of man hours that would be</p> <p>25 saved by implementation of WMI?</p>	<p style="text-align: right;">Page 23</p> <p>1 K. RANDALL</p> <p>2 A. The obvious reason is to be fair.</p> <p>3 Q. Would Southern have these policies in</p> <p>4 place in your opinion even if there were not laws</p> <p>5 that required it to?</p> <p>6 A. Southern is a family business, family</p> <p>7 owned and, yes, they would go.</p> <p>8 Q. Does Southern have a policy to protect</p> <p>9 an individuals who report discrimination or</p> <p>10 harassment in the workplace?</p> <p>11 A. Yes, we do.</p> <p>12 Q. What is that policy?</p> <p>13 A. You cannot discriminate against someone</p> <p>14 who has stepped forward, I guess, in a case, there</p> <p>15 is no discrimination in that.</p> <p>16 Q. Why is that policy in place?</p> <p>17 A. I believe so people can be open and</p> <p>18 honest about what they have seen or what they have</p> <p>19 believed they have seen.</p> <p>20 Q. Is there any reason why this is</p> <p>21 important to protect individuals who report</p> <p>22 discrimination or harassment in the workplace?</p> <p>23 A. Just their job security.</p> <p>24 Q. To protect the individuals who want to</p> <p>25 be open and honest with the employer?</p>
<p style="text-align: right;">Page 22</p> <p>1 K. RANDALL</p> <p>2 A. It'd be a guess that we count every two</p> <p>3 months, we do a physical count, 50 people work on a</p> <p>4 Saturday counting.</p> <p>5 Q. Did total payroll expenses go down as a</p> <p>6 result of implementing WMI?</p> <p>7 A. No. And the learning curve was very</p> <p>8 much difficult.</p> <p>9 Q. Does Southern have an</p> <p>10 anti-discrimination policy when it comes to</p> <p>11 employees?</p> <p>12 A. Yes.</p> <p>13 Q. What is that policy?</p> <p>14 A. We cannot discriminate, many different</p> <p>15 factors from race to color, to religion to sex, et</p> <p>16 cetera, et cetera.</p> <p>17 Q. Why does Southern have that policy</p> <p>18 against discrimination on the basis of race,</p> <p>19 religion, sex, national origin and race?</p> <p>20 A. I suppose to make a fair playing field</p> <p>21 for everyone. Most companies have it.</p> <p>22 Q. Is there any other reason why it's</p> <p>23 important not to discriminate against someone's</p> <p>24 age, race, religion, disability or the color of</p> <p>25 their skin?</p>	<p style="text-align: right;">Page 24</p> <p>1 K. RANDALL</p> <p>2 A. Or who have been asked to testify in a</p> <p>3 case.</p> <p>4 Q. What is the process for reporting</p> <p>5 alleged discrimination at Southern?</p> <p>6 A. We have a group named that you can</p> <p>7 report discriminations to, it's human resources,</p> <p>8 obviously the first step in that direction, or the</p> <p>9 vice president of the regional, and I suppose even</p> <p>10 though they haven't come to me, I suppose they</p> <p>11 could come to me as well.</p> <p>12 Q. How long has Southern's policy against</p> <p>13 discrimination as you earlier described been in</p> <p>14 effect?</p> <p>15 A. I can't think of when it wasn't. I</p> <p>16 believe since I started with the company.</p> <p>17 Q. The previous policy that you describe</p> <p>18 against retaliation against people who step forward</p> <p>19 how long has that been in effect?</p> <p>20 A. I believe it's the same amount of time.</p> <p>21 Q. Seventeen years, ever since you have</p> <p>22 been there, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Now does the discrimination -- does the</p> <p>25 anti-retaliation policy also protect someone who</p>

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 2 turns out to be wrong? Let me give you an example.
 3 Let's say you have a woman that claims that she is
 4 doing the same job as a man. They were hired
 5 precisely the same date and they are doing exactly
 6 the same things and exactly the same location and
 7 she reports to human resources she's paid \$20 an
 8 hour and her co-worker is being paid \$30 an hour
 9 and he's a man. How would that be investigated?
 10 A. I believe that it would have to go to
 11 human resources is the first step of the claim.
 12 Q. And then what would happen?
 13 A. They would have to do an investigation
 14 as to the claim to see if there is any validity as
 15 to what has been claimed.
 16 Q. Let's say Southern found out that the
 17 woman was wrong. Review of payroll records
 18 indicates that the man was paid, not paid \$30 an
 19 hour but was paid same as the woman, \$20 an hour,
 20 would she still be protected by the
 21 anti-retaliation policy?
 22 A. I believe so, yes.
 23 Q. Why?
 24 A. I believe the person was being honest
 25 in their claim and they felt that they were

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 2 formally or informally?
 3 A. I believe that informally the only one
 4 that I can really know is Josie's one, that you
 5 mentioned earlier. I was not involved in that case
 6 but I did hear about it.
 7 Q. Who did you hear of that from?
 8 A. Possibly the director of operations,
 9 maybe John Wilkinson. I was not involved in that
 10 at all.
 11 Q. Do you recall what John Wilkinson told
 12 you about that?
 13 A. No, it was going on. I don't believe I
 14 heard another name. It may be started before I got
 15 there. I don't know.
 16 Q. Other than that claim of discrimination
 17 by Josie are you aware of any other claim of
 18 discrimination that were made by any employee of
 19 Southern Wine and Spirits during your tenure?
 20 A. I would think that the two other cases
 21 that is we spoke about earlier was not
 22 discrimination but more classification. So I would
 23 not call those discrimination cases.
 24 Q. What was the nature of Josie's
 25 discrimination claim?

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 2 correct, it needed to be investigated. Sometimes
 3 claims only need to be investigated. They may not
 4 always be valid.
 5 Q. Is there any other reason why it's
 6 important that anti-retaliation policy protects
 7 people who turn out to be wrong?
 8 A. Again, it's job security.
 9 Q. Is that to encourage people to actually
 10 come forward and report discrimination?
 11 A. Sure it is.
 12 Q. Is it fair to say that without people
 13 coming forward to report discrimination sometimes
 14 it's difficult to know if anything is going on?
 15 A. Human resources needs to know this.
 16 Q. Correct?
 17 A. Yes.
 18 Q. Is it fair to say that human resources
 19 sometimes will only get to know something that is
 20 going on if someone reports something in terms of
 21 discrimination?
 22 A. Yes.
 23 Q. In your 17 years at Southern Glazer's
 24 Wine and Spirits are you aware of any
 25 discrimination complaints that were made either

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1 K. RANDALL
 2 A. I have no idea. I was not privy to any
 3 of that.
 4 Q. Who was Josie's supervisor?
 5 A. Maria Suarez.
 6 Q. Who was Ena Scott's supervisor?
 7 A. Maria Suarez.
 8 Q. Who was Tatiana Herdocia's immediate
 9 supervisor?
 10 A. Maria Suarez.
 11 Q. Is it fair to say that the three women
 12 who reported to Maria Suarez filed claims against
 13 Southern?
 14 A. That would be a fact.
 15 Q. Did they also commence federal lawsuits
 16 against Southern?
 17 A. I believe it was federal lawsuits.
 18 Q. In all of your time at Southern Wine
 19 and Spirits have you ever had, other than in this
 20 particular instance, three employees who reported
 21 to an individual supervisor file federal lawsuits?
 22 A. I can't say as I have.
 23 Q. Do you have anymore specific
 24 understanding about what the lawsuits were
 25 claiming? You mentioned that there were two

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<p style="text-align: right;">Page 29</p> <p>1 K. RANDALL</p> <p>2 lawsuits regarding classification. Do you have</p> <p>3 anymore understanding about what those lawsuits</p> <p>4 were claiming?</p> <p>5 A. No. I was involved in the Ena Scott</p> <p>6 one as it went to arbitration. That's how I know</p> <p>7 about that one. That's the classification between</p> <p>8 clerical and warehouse.</p> <p>9 Q. Did you testify at that arbitration?</p> <p>10 A. I did.</p> <p>11 Q. Was that under oath?</p> <p>12 A. It was, yes.</p> <p>13 Q. Was Ena Scott claiming that women were</p> <p>14 not allowed to have the warehouse classification?</p> <p>15 A. No.</p> <p>16 Q. When you were transferred from Upstate</p> <p>17 New York to Syosset how many individuals covered by</p> <p>18 the collective bargaining agreement had the</p> <p>19 clerical classification?</p> <p>20 A. In Metro New York?</p> <p>21 Q. Yes.</p> <p>22 A. Fifty.</p> <p>23 Q. How many individuals at that time had</p> <p>24 the warehouse classification?</p> <p>25 A. It was 150.</p>	<p style="text-align: right;">Page 31</p> <p>1 K. RANDALL</p> <p>2 classified position?</p> <p>3 A. No.</p> <p>4 Q. Can you explain why not?</p> <p>5 A. I am just going to guess because it's</p> <p>6 an evening position, overnight, and no one has</p> <p>7 applied for it.</p> <p>8 Q. Is it your job, as the director of</p> <p>9 operations, to make sure that there's no</p> <p>10 discrimination against women?</p> <p>11 A. Yes.</p> <p>12 Q. What have you done to make sure that</p> <p>13 there's no discrimination against women in the</p> <p>14 warehouse classified position?</p> <p>15 A. When we use temporary help, we have had</p> <p>16 women come to work for us in the evenings and</p> <p>17 hoping that they want to stay with us but normally</p> <p>18 they don't want to stay in the job. If they</p> <p>19 applied for it we definitely would consider them.</p> <p>20 Q. Are you aware that Ena Scott wanted to</p> <p>21 be classified as warehouse?</p> <p>22 A. Absolutely.</p> <p>23 Q. Are you aware that Tatiana Herdocia</p> <p>24 also wanted to be classified as warehouse?</p> <p>25 A. Tatiana just recently did apply for a</p>
<p style="text-align: right;">Page 30</p> <p>1 K. RANDALL</p> <p>2 Q. At the time that you came to Syosset</p> <p>3 from Upstate New York did any female employee hold</p> <p>4 a warehouse classified job?</p> <p>5 A. No.</p> <p>6 Q. Today does any female employee hold a</p> <p>7 warehouse classified job in Syosset?</p> <p>8 A. I want to speak to my -- since that</p> <p>9 time we have opened another DC underneath Local 1,</p> <p>10 in Linden, New Jersey, that they help produce cases</p> <p>11 to feed to our customers. We do it in Jersey and</p> <p>12 bring it over. In that location we have</p> <p>13 approximately seven female employees working in the</p> <p>14 warehouse. They do not have different</p> <p>15 classifications in that contract.</p> <p>16 MR. MOSER: Can you read back the</p> <p>17 question.</p> <p>18 (Whereupon, the referred to</p> <p>19 question was read.)</p> <p>20 A. No.</p> <p>21 Q. How many warehousemen are there?</p> <p>22 A. There are 130.</p> <p>23 Q. Since you have taken over</p> <p>24 responsibility for operations at the Syosset</p> <p>25 facility has any female been hired into a warehouse</p>	<p style="text-align: right;">Page 32</p> <p>1 K. RANDALL</p> <p>2 night warehouse position.</p> <p>3 Q. Was she hired?</p> <p>4 A. She withdraw her name.</p> <p>5 Q. Was she hired?</p> <p>6 A. No.</p> <p>7 Q. Do you know why she withdraw her name?</p> <p>8 A. I believe it was the hours. It is days</p> <p>9 to nights.</p> <p>10 Q. Why would she have to work nights?</p> <p>11 A. Union Local 1 is all by seniority. Any</p> <p>12 position that you start with is on the evening</p> <p>13 shift. Only seniority raises you up to the day</p> <p>14 position.</p> <p>15 Q. So any female that would be hired into</p> <p>16 a new position would have to work nights?</p> <p>17 MS. CABRERA: Objection. You can</p> <p>18 answer that.</p> <p>19 A. If you want a warehouse position, then,</p> <p>20 yes, that's the position that we post for and</p> <p>21 that's the position that's open.</p> <p>22 Q. Do you think that that policy of</p> <p>23 forcing a woman to work at night would have a</p> <p>24 discriminatory affect on women?</p> <p>25 MS. CABRERA: Objection. It</p>

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<p style="text-align: right;">Page 33</p> <p>1 K. RANDALL</p> <p>2 completely mischaracterizes what he</p> <p>3 said. He said anyone who applies for</p> <p>4 the job, not just women. He's saying</p> <p>5 forcing women to work at night, that's</p> <p>6 not at all what he said.</p> <p>7 Q. Do you think that the policy requiring</p> <p>8 new hires to work at night would have a</p> <p>9 discriminatory impact on women?</p> <p>10 A. No, I do not.</p> <p>11 Q. Do you believe that women feel</p> <p>12 comfortable walking around or being out at night as</p> <p>13 much as a man does?</p> <p>14 A. I believe they would in our warehouse,</p> <p>15 we have security.</p> <p>16 Q. Other than what you've mentioned have</p> <p>17 you done anything else with regard to the warehouse</p> <p>18 classification to make sure that there is no</p> <p>19 discrimination against women?</p> <p>20 A. Besides monitoring what goes on in the</p> <p>21 building.</p> <p>22 Q. Are you aware that there were many</p> <p>23 women who applied for the warehouse classified</p> <p>24 position?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 35</p> <p>1 K. RANDALL</p> <p>2 A. I have no idea if any did. I don't</p> <p>3 believe anyone did.</p> <p>4 Q. What's that belief based upon?</p> <p>5 A. Just what I'm told or what I know. I</p> <p>6 do not do the hiring.</p> <p>7 Q. Are you responsible for managing the</p> <p>8 individuals who do the hiring?</p> <p>9 A. Absolutely.</p> <p>10 Q. Who are those individuals?</p> <p>11 A. At the time it was John Wilkinson, who</p> <p>12 was the director of operations for many years and</p> <p>13 now we have the warehouse management staff at night</p> <p>14 that does the hiring.</p> <p>15 Q. Who is that?</p> <p>16 A. John Pilus would be his name, our night</p> <p>17 manager.</p> <p>18 Q. Who told you that no women applied for</p> <p>19 the warehouse classified position?</p> <p>20 A. No one told me. I just don't know of</p> <p>21 any.</p> <p>22 Q. It could be that women applied, it</p> <p>23 could be that some women applied, you don't know;</p> <p>24 is that fair to say?</p> <p>25 A. I have no idea, yes.</p>
<p style="text-align: right;">Page 34</p> <p>1 K. RANDALL</p> <p>2 Q. Do you know why any of those women were</p> <p>3 not hired?</p> <p>4 A. I do not know who they are.</p> <p>5 Q. Do you know why they were not hired?</p> <p>6 A. No.</p> <p>7 MS. CABRERA: Objection. He said</p> <p>8 he didn't know they applied. If he</p> <p>9 doesn't know they applied how would he</p> <p>10 know why they were not hired?</p> <p>11 Q. In your opinion is there any</p> <p>12 discrimination against women in terms of the</p> <p>13 warehouse classified positions at Southern?</p> <p>14 A. No.</p> <p>15 Q. How many individuals have been hired</p> <p>16 into the warehouse classification since you became</p> <p>17 the director of operations in Syosset?</p> <p>18 A. A guess would be 50.</p> <p>19 Q. Each one of those individuals hired was</p> <p>20 a man, correct?</p> <p>21 A. In the warehouse positions.</p> <p>22 Q. Correct?</p> <p>23 A. Yes.</p> <p>24 Q. How many women applied for those</p> <p>25 warehouse positions?</p>	<p style="text-align: right;">Page 36</p> <p>1 K. RANDALL</p> <p>2 Q. As the VP of operations are you the</p> <p>3 senior person in charge of making sure there is no</p> <p>4 discrimination in your workforce?</p> <p>5 A. Yes.</p> <p>6 (Whereupon, a short recess was held.)</p> <p>7 Q. You mentioned a meeting that you had</p> <p>8 with Maria Suarez when you transitioned to WMI,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall any other meetings that</p> <p>12 you had with Maria Suarez besides that particular</p> <p>13 meeting?</p> <p>14 A. Not one-on-one, no. Most of everything</p> <p>15 that I can recall, again, it's been a few years,</p> <p>16 would have been with her direct manager as well.</p> <p>17 Q. That would have been John Wilkinson?</p> <p>18 A. Yes.</p> <p>19 Q. When you met with John Wilkinson were</p> <p>20 you meeting with John Wilkinson and Maria or just</p> <p>21 John Wilkinson?</p> <p>22 A. I met with John Wilkinson almost</p> <p>23 weekly. I am sure it was John and she could have</p> <p>24 been there.</p> <p>25 Q. Do you recall any meeting attended by</p>

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<p style="text-align: right;">Page 37</p> <p>1 K. RANDALL</p> <p>2 you, John Wilkinson, and Maria Suarez?</p> <p>3 A. I don't recall any but would have to</p> <p>4 say positively we would have had to have had that</p> <p>5 meeting.</p> <p>6 Q. Do you recall anything that was</p> <p>7 discussed at any of the meetings that you had where</p> <p>8 John Wilkinson and Maria Suarez were present?</p> <p>9 A. Before WMI or after WMI?</p> <p>10 Q. Before or after.</p> <p>11 A. Before she was always in the inventory</p> <p>12 control meetings with the accounting and John would</p> <p>13 be there as well. We were all in the same monthly</p> <p>14 recap meeting.</p> <p>15 Q. So before WMI was implemented there was</p> <p>16 monthly inventory control meetings?</p> <p>17 A. With accounting.</p> <p>18 Q. How many people attending that?</p> <p>19 A. I'd say about eight to 10.</p> <p>20 Q. So you attended, John Wilkinson and who</p> <p>21 were the other attendees?</p> <p>22 A. Maria was there and there would be</p> <p>23 someone from accounting, I don't know, it probably</p> <p>24 they changed now but Adam Pienczykowski, he is the</p> <p>25 assistant controller. He would be in those</p>	<p style="text-align: right;">Page 39</p> <p>1 K. RANDALL</p> <p>2 Q. So you don't know whether she counted</p> <p>3 inventory before WMI was implemented.</p> <p>4 A. She should have taken their count and</p> <p>5 analyzed them. I don't know. I was not in the</p> <p>6 same building for a while.</p> <p>7 Q. She was the inventory control manager</p> <p>8 before the WMI was implemented?</p> <p>9 A. Yes.</p> <p>10 Q. How important is that job?</p> <p>11 A. It's our finances. It's how we book</p> <p>12 our inventory each month. That goes into the</p> <p>13 bottom line.</p> <p>14 Q. How much inventory was Maria</p> <p>15 Responsible for keeping a count of when she was the</p> <p>16 inventory control manager?</p> <p>17 A. It was 1.5 billion.</p> <p>18 Q. That would be important that she did</p> <p>19 her job correctly as inventory control manager?</p> <p>20 A. Yes.</p> <p>21 Q. If she made a mistake as inventory</p> <p>22 control manager how could that negatively effect</p> <p>23 Souther's business?</p> <p>24 A. If you book inventory out we couldn't</p> <p>25 sell it. If we booked it out it would show as a</p>
<p style="text-align: right;">Page 38</p> <p>1 K. RANDALL</p> <p>2 meetings as well before we booked them. It's all</p> <p>3 about financial events.</p> <p>4 Q. Who was the most junior, let's say,</p> <p>5 individual who attended those meetings?</p> <p>6 A. Probably someone in accounting.</p> <p>7 Q. Why did Maria attend those meetings?</p> <p>8 A. It was her responsibility about her</p> <p>9 team to analyze the results, come up with</p> <p>10 suggestions, what numbers to book and not book.</p> <p>11 Q. Do you have an understanding of what</p> <p>12 Maria Suarez' job duties were before WMI was</p> <p>13 implemented?</p> <p>14 A. Yes.</p> <p>15 Q. What were those job duties?</p> <p>16 A. Job duties were to count the inventory,</p> <p>17 maintain inventory in the correct locations, and at</p> <p>18 the end of the month to balance out the inventory</p> <p>19 to the best of her ability.</p> <p>20 Q. Did she do the physical counting</p> <p>21 herself or did her staff do that?</p> <p>22 A. Her staff should have done that. Did</p> <p>23 she do that? I don't know, but her staff were the</p> <p>24 ones assigned. They are union clerical staff</p> <p>25 accountant.</p>	<p style="text-align: right;">Page 40</p> <p>1 K. RANDALL</p> <p>2 loss on the statements. Her job was to present it</p> <p>3 to the accounting department of her accountings for</p> <p>4 the month so they could approve the booking of the</p> <p>5 inventory. That was what the meetings were about.</p> <p>6 Q. The way that she did her job as</p> <p>7 inventory control manager had an affect on the</p> <p>8 financials of Southern Wines and Spirits, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did you consider her trustworthy?</p> <p>11 A. Yes.</p> <p>12 Q. Did she do her job well when she was</p> <p>13 inventory control manager?</p> <p>14 A. Yes.</p> <p>15 Q. How long was she the inventory control</p> <p>16 manager?</p> <p>17 A. She was there when I got there. So</p> <p>18 2013, I don't know when she started doing it, from</p> <p>19 2013 to 2018 or '17.</p> <p>20 Q. Is there a way to measure the accuracy</p> <p>21 of inventory?</p> <p>22 A. Just track records month to month. If</p> <p>23 some cases are gone and next month they show back</p> <p>24 up again, you are really looking for trends.</p> <p>25 Q. Are there any metrics in place that</p>

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<p style="text-align: right;">Page 41</p> <p>1 K. RANDALL</p> <p>2 could be used to determine how well Maria was doing</p> <p>3 her job when she was inventory control manager?</p> <p>4 A. I don't think there is metrics. There</p> <p>5 is just profit and loss of the inventory.</p> <p>6 Q. When she was inventory control manager</p> <p>7 were there any attempted thefts of inventory?</p> <p>8 A. There was one before my time. Someone</p> <p>9 had done some theft but I don't know the name or</p> <p>10 what happened.</p> <p>11 Q. Did she have any role in uncovering</p> <p>12 that?</p> <p>13 A. I have no idea.</p> <p>14 Q. In your 17 years at Southern have you</p> <p>15 ever seen any discrimination against women?</p> <p>16 A. No.</p> <p>17 Q. Who made the decision to implement WMI</p> <p>18 on Long Island?</p> <p>19 A. It was my decision. We were the last</p> <p>20 Southern site to implement WMI. I had it in</p> <p>21 upstate for three or four years previously and it</p> <p>22 was, corporate would like to have that implemented.</p> <p>23 I was put to the task of implementing it in Syosset</p> <p>24 was the last DC to do so.</p> <p>25 Q. You mentioned there was a learning</p>	<p style="text-align: right;">Page 43</p> <p>1 K. RANDALL</p> <p>2 maybe they didn't understand her point of what her</p> <p>3 job was compared to what they wanted. I personally</p> <p>4 never saw it.</p> <p>5 Q. Would you describe Maria as quiet?</p> <p>6 A. Yes, she be quiet but passionate.</p> <p>7 Q. But when she thought she was right</p> <p>8 about something would she voice it?</p> <p>9 A. Yes.</p> <p>10 Q. How old was Marie when you transferred</p> <p>11 from Upstate New York?</p> <p>12 A. I have no idea. Do you know guessing a</p> <p>13 women's age.</p> <p>14 Q. She was at least in her 40's, right?</p> <p>15 A. I would guess that you are probably</p> <p>16 correct in her 40's.</p> <p>17 Q. What's her primary language?</p> <p>18 A. English.</p> <p>19 Q. Do you know if she was born here or</p> <p>20 born in another country?</p> <p>21 A. No.</p> <p>22 Q. Does she speak with an accent?</p> <p>23 A. Not one that you couldn't understand.</p> <p>24 I think she does speak Spanish, but, no.</p> <p>25 Q. Does she speak with an accent though?</p>
<p style="text-align: right;">Page 42</p> <p>1 K. RANDALL</p> <p>2 curve for WMI, correct?</p> <p>3 A. Yes.</p> <p>4 Q. How long -- did you implement WMI in</p> <p>5 any other facility?</p> <p>6 A. Upstate New York.</p> <p>7 Q. How long was that learning curve in</p> <p>8 Upstate New York would you say?</p> <p>9 A. Six months probably. There's a</p> <p>10 learning curve from everyone from the employees all</p> <p>11 the way up through the ranks. So to do so I would</p> <p>12 bring in help from other sites who have WMI, to</p> <p>13 teach it.</p> <p>14 Q. Do you have any other understanding of</p> <p>15 what Maria's job was when she was inventory control</p> <p>16 manager other than what you have already testified</p> <p>17 to?</p> <p>18 A. She would oversee the counters on a</p> <p>19 daily basis, assigning their counts or their</p> <p>20 workload.</p> <p>21 Q. Did Maria, when I say "Maria," I mean</p> <p>22 Maria Suarez, did Maria have a reputation for being</p> <p>23 difficult?</p> <p>24 A. No. It could be a reputation on</p> <p>25 difficulty in the meetings with the accounting,</p>	<p style="text-align: right;">Page 44</p> <p>1 K. RANDALL</p> <p>2 A. Maybe a slight one.</p> <p>3 Q. What is her background in terms of her</p> <p>4 education, are you aware of that?</p> <p>5 A. No.</p> <p>6 Q. Do you know whether or not she has any</p> <p>7 background in accounting?</p> <p>8 A. I do not know. She was hired before I</p> <p>9 got there.</p> <p>10 Q. Does Southern have a job description</p> <p>11 for every single employee that works in Syosset?</p> <p>12 A. Employees, probably not an employee,</p> <p>13 but for ever job assignment there should be a job</p> <p>14 description.</p> <p>15 Q. So each employee would have a job</p> <p>16 description which describes what that employee does</p> <p>17 even if the employee's name is not on the job</p> <p>18 description; is that fair to say?</p> <p>19 A. We also list any other job otherwise</p> <p>20 required, yes.</p> <p>21 Q. What is the purpose of the job</p> <p>22 description?</p> <p>23 A. Give the employee indication of what</p> <p>24 they're responsible for.</p> <p>25 Q. There any other reasons for having the</p>

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<p style="text-align: right;">Page 45</p> <p>1 K. RANDALL</p> <p>2 job description?</p> <p>3 A. Not that I can think of. Everybody is</p> <p>4 responsible for what they are or what they go to or</p> <p>5 apply for a position. They know what they are</p> <p>6 applying for.</p> <p>7 Q. Is there someone at Southern who let's</p> <p>8 say sweeps the floors?</p> <p>9 A. Porters.</p> <p>10 Q. Does the porter's job description let</p> <p>11 them know that they have to sweep the floors?</p> <p>12 A. Yes.</p> <p>13 Q. Now assume that there is a porter,</p> <p>14 could the porter's supervisors ask him to drive a</p> <p>15 truck to make the delivery?</p> <p>16 A. No.</p> <p>17 Q. Why not?</p> <p>18 A. They wouldn't be qualified for the</p> <p>19 position, first, and, second of all, it wouldn't be</p> <p>20 under their scope of employment.</p> <p>21 Q. Could a foreperson ever be disciplined</p> <p>22 for refusing to drive a truck?</p> <p>23 A. No.</p> <p>24 Q. Why not?</p> <p>25 A. It is not in their job description and</p>	<p style="text-align: right;">Page 47</p> <p>1 K. RANDALL</p> <p>2 evaluation conducted?</p> <p>3 A. Yearly.</p> <p>4 Q. Why are they done yearly?</p> <p>5 A. Annual review of the employees, the</p> <p>6 work performance and future goals to be set.</p> <p>7 Q. Is that pursuant to a company-wide</p> <p>8 policy?</p> <p>9 A. Yes.</p> <p>10 Q. But the union people did not get it.</p> <p>11 A. Just non-union, yes.</p> <p>12 Q. Is there any reason why Southern would</p> <p>13 not perform an annual performance appraisal of an</p> <p>14 employee?</p> <p>15 A. No.</p> <p>16 Q. If you found out that a supervisor was</p> <p>17 not conducting annual performance evaluations of</p> <p>18 his staff what would you do?</p> <p>19 A. A manager?</p> <p>20 Q. Yes.</p> <p>21 A. HR would inform me that it wasn't</p> <p>22 completed, to which time that I would address with</p> <p>23 that manager that they have to do it. It is</p> <p>24 required.</p> <p>25 Q. Why?</p>
<p style="text-align: right;">Page 46</p> <p>1 K. RANDALL</p> <p>2 I am sure all discipline goes through the union so</p> <p>3 I don't see that how we can discipline someone like</p> <p>4 that.</p> <p>5 Q. So is it fair to say that in order to</p> <p>6 discipline someone for not doing something that it</p> <p>7 would have to be part of the thing that they were</p> <p>8 not doing had to be part of their job description?</p> <p>9 A. Sure.</p> <p>10 Q. Let say that you wanted a porter to</p> <p>11 drive a truck, what would be the process? Would</p> <p>12 they have to apply for a driver's position?</p> <p>13 A. Yes and get a CDL license to drive it.</p> <p>14 Q. Once he gets a CDL license, establishes</p> <p>15 the qualification, and he is hired, then he can be</p> <p>16 expected to drive a truck, correct?</p> <p>17 A. Yes.</p> <p>18 Q. If he doesn't drive a truck or doesn't</p> <p>19 drive a truck well he can be disciplined for it; is</p> <p>20 that fair to say?</p> <p>21 A. True.</p> <p>22 Q. Are there performance evaluations at</p> <p>23 Southern?</p> <p>24 A. For everyone but union employees.</p> <p>25 Q. How frequently are these performance</p>	<p style="text-align: right;">Page 48</p> <p>1 K. RANDALL</p> <p>2 A. It's part of our annual review that</p> <p>3 also reflects their pay increases.</p> <p>4 Q. Is part of the purpose of the</p> <p>5 performance review to let the employee know if they</p> <p>6 were doing a good job?</p> <p>7 A. That's the point of it.</p> <p>8 Q. It's also important to let them know</p> <p>9 where they are not doing a so good job so they can</p> <p>10 improve; is that fair to say?</p> <p>11 A. Yes.</p> <p>12 Q. They are reviewed based upon their</p> <p>13 success in fulfilling what is in their job</p> <p>14 description?</p> <p>15 A. In their role with the company, yes.</p> <p>16 Q. In their role -- is their role with the</p> <p>17 company described in the job description?</p> <p>18 A. Yes.</p> <p>19 (Whereupon, a short recess was held.)</p> <p>20 Q. Who conducts the performance evaluation</p> <p>21 of a given employee?</p> <p>22 A. The manager.</p> <p>23 Q. So for Maria Suarez who would that be?</p> <p>24 A. It would have been John Wilkinson.</p> <p>25 Q. If you found out that an employee was</p>

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<p style="text-align: right;">Page 49</p> <p>1 K. RANDALL</p> <p>2 being reprimanded for not doing something that</p> <p>3 wasn't in their job description what would you do?</p> <p>4 A. I would investigate it to see what the</p> <p>5 claim was.</p> <p>6 Q. For example if you had the porter and</p> <p>7 you found out that the porter was being disciplined</p> <p>8 for not driving a truck, what would you do?</p> <p>9 A. I would stop and discipline him,</p> <p>10 obviously.</p> <p>11 Q. In your mind would that discipline be</p> <p>12 valid?</p> <p>13 A. No.</p> <p>14 Q. In your mind would that supervisor have</p> <p>15 the authority to terminate that employee based upon</p> <p>16 not doing things that weren't in the employee's job</p> <p>17 description?</p> <p>18 A. No, they couldn't anyway without HR</p> <p>19 approval.</p> <p>20 Q. So before letting someone go you have</p> <p>21 HR's approval, correct, and who else has to approve</p> <p>22 it?</p> <p>23 A. HR is the top.</p> <p>24 Q. Does HR have to get the clearance from</p> <p>25 in-house local counsels?</p>	<p style="text-align: right;">Page 51</p> <p>1 K. RANDALL</p> <p>2 plaintiff was selected for termination as part of</p> <p>3 the state wide layoff program?</p> <p>4 I would like you to read the response</p> <p>5 to yourself and let me know when you are done.</p> <p>6 A. Done. I don't know.</p> <p>7 Q. How many employees did Southern have in</p> <p>8 the State of New York in April of 2018 in total?</p> <p>9 A. I am going to have to guess at 1500</p> <p>10 but. . .</p> <p>11 Q. Is that your best approximation?</p> <p>12 A. It is including Upstate if you ask for</p> <p>13 New York State.</p> <p>14 Q. Correct.</p> <p>15 A. That's 1500 including sales.</p> <p>16 Q. In April of 2018 did you have knowledge</p> <p>17 of Southern profitability in the state of New York?</p> <p>18 A. I only know metro numbers. They don't</p> <p>19 share the New York State.</p> <p>20 Q. How many of the 26 that were selected</p> <p>21 were from metro?</p> <p>22 A. I only know the ones that I have asked</p> <p>23 to do which I believe was five. I don't know in</p> <p>24 any other departments.</p> <p>25 Q. You laid off five as part of the</p>
<p style="text-align: right;">Page 50</p> <p>1 K. RANDALL</p> <p>2 A. My guess is, yes, they have to get the</p> <p>3 clearance. Not that I am HR.</p> <p>4 Q. Would Elizabeth Toohig know that she</p> <p>5 needed to get clearance from inhouse counsel to</p> <p>6 authorize a termination?</p> <p>7 A. I would assume that she would. It</p> <p>8 always depends on how flagrant the howl is but. . .</p> <p>9 (Whereupon, Plaintiff's Exhibit 1</p> <p>10 was marked for identification.)</p> <p>11 Q. Have you ever seen this document,</p> <p>12 Plaintiff's Exhibit 1 for identification, marked</p> <p>13 for identification.</p> <p>14 A. No.</p> <p>15 Q. I'd like you to take some time to flip</p> <p>16 through it.</p> <p>17 A. (Witness perusing document.) I did</p> <p>18 sign it.</p> <p>19 Q. To your knowledge were all of the</p> <p>20 responses to these interrogatories true and correct</p> <p>21 at the time that you signed this document?</p> <p>22 A. Yes. I didn't recognize that document</p> <p>23 on the face but I recognize all the questions.</p> <p>24 Q. Let's go to interrogatory number 4.</p> <p>25 Is says here: State every reason why</p>	<p style="text-align: right;">Page 52</p> <p>1 K. RANDALL</p> <p>2 streamlining?</p> <p>3 A. Cost reduction at the time.</p> <p>4 Q. Correct?</p> <p>5 A. Yes.</p> <p>6 Q. In Metro New York in April of 2018 how</p> <p>7 many employees were there?</p> <p>8 A. Say there is a thousand total</p> <p>9 employees.</p> <p>10 Q. What was the total cost savings to</p> <p>11 Metro New York from this reduction in force?</p> <p>12 A. I do not know the total number.</p> <p>13 Q. In early 2018 how profitable was Metro?</p> <p>14 A. I am sure there was a profit, that's</p> <p>15 why we're in business. What that total is for New</p> <p>16 York?</p> <p>17 Q. I am not talking about the entire State</p> <p>18 of New York, for the Syosset facility, Metro New</p> <p>19 York. What was Southern's profit from that</p> <p>20 facility, let's say, in 2018?</p> <p>21 A. I don't get those numbers. I get the</p> <p>22 operation numbers on the spending. I am not</p> <p>23 responsible for the profit of the company for</p> <p>24 Metro.</p> <p>25 Q. Do you have any knowledge what the</p>

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<p style="text-align: right;">Page 53</p> <p>1 K. RANDALL</p> <p>2 profit was from operations in Metro New York</p> <p>3 Southern in 2018?</p> <p>4 A. No, I only do spending.</p> <p>5 Q. What was the total spending of Metro</p> <p>6 New York in 2018?</p> <p>7 A. \$80,000, \$90,000, I'd have to guess, 12</p> <p>8 million, 53 million for the delivery, another 10,</p> <p>9 63 million, I am guessing 90 million all in.</p> <p>10 Q. What percentage of the 90 million was</p> <p>11 due to payroll? How much of the 90 million was</p> <p>12 payroll expenses?</p> <p>13 A. I don't have those numbers in front of</p> <p>14 me.</p> <p>15 Q. What's your bet approximation?</p> <p>16 A. Around 35 percent in payroll.</p> <p>17 Q. So it would be approximately 32 million</p> <p>18 give or take?</p> <p>19 A. Yes.</p> <p>20 Q. These are best guesstimates.</p> <p>21 Who began the statewide layoff program?</p> <p>22 A. I don't know. I am guessing it came</p> <p>23 down from corporate and I got my part of the</p> <p>24 assignment which was the five. I don't know who</p> <p>25 the other 20-something people were.</p>	<p style="text-align: right;">Page 55</p> <p>1 K. RANDALL</p> <p>2 Syosset facility; is that fair to say?</p> <p>3 A. Yes.</p> <p>4 Q. How many times per year do you turnover</p> <p>5 that inventory completely?</p> <p>6 A. Four times a year.</p> <p>7 Q. So it's fair to say that the total</p> <p>8 gross sales of wine and liquor out of the Syosset</p> <p>9 facility is approximately six billion dollars a</p> <p>10 year?</p> <p>11 MS. CABRERA: Objection.</p> <p>12 MR. MOSER: I'm just looking for</p> <p>13 an approximation.</p> <p>14 MS. CABRERA: That's a huge</p> <p>15 approximation guess that you are asking</p> <p>16 him. I told you several times that he</p> <p>17 doesn't know a number and I know he is</p> <p>18 being helpful in trying to give it to you.</p> <p>19 A. Accounting handles all of that stuff to</p> <p>20 corporate. I don't get involved in the sales or</p> <p>21 income.</p> <p>22 Q. In any case, in your best</p> <p>23 approximation, inventory turns over approximately</p> <p>24 four times a year?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 54</p> <p>1 K. RANDALL</p> <p>2 Q. Did laying off the five have any</p> <p>3 material affect on the finances of the operations</p> <p>4 of the Metro New York warehouse?</p> <p>5 A. I'm sure it did. To what degree it was</p> <p>6 part of a project that they gave me to do. I</p> <p>7 didn't take it lightly. It was a terrible thing to</p> <p>8 have to do. What that netted out, I do not know.</p> <p>9 Q. For Metro New York was already</p> <p>10 profitable in 2018, correct?</p> <p>11 A. Should be, yes.</p> <p>12 Q. Laying off the five would make it more</p> <p>13 profitable; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Is Southern a privately owned company?</p> <p>16 A. Yes.</p> <p>17 Q. Who owns it?</p> <p>18 A. The Chaplin family.</p> <p>19 Q. What are the gross sales of the</p> <p>20 Southern on a national basis?</p> <p>21 A. Again, somebody has that information.</p> <p>22 It's a lot, yes, we sell a lot of booze, yeah. But</p> <p>23 they don't share that kind of stuff at my level.</p> <p>24 Q. Can you approximate -- you know how</p> <p>25 much the inventory is valued, correct, in the</p>	<p style="text-align: right;">Page 56</p> <p>1 K. RANDALL</p> <p>2 Q. When inventory turns over it means that</p> <p>3 that product is either sold or wasted, correct?</p> <p>4 A. One or the other.</p> <p>5 Q. What is the percentage of waste or</p> <p>6 loss?</p> <p>7 MS. CABRERA: Objection. Per year</p> <p>8 in total?</p> <p>9 MR. MOSER: Per year.</p> <p>10 A. Two to three million, the loss</p> <p>11 breakage.</p> <p>12 Q. Aside from being given instructions to</p> <p>13 layoff five individuals did you receive any other</p> <p>14 instructions in terms of cost savings?</p> <p>15 A. Just the program to eliminate</p> <p>16 positions.</p> <p>17 Q. Other than Maria Suarez do you know the</p> <p>18 name of any other individuals who were terminated</p> <p>19 as part of the statewide layoff program at Syosset?</p> <p>20 A. I know all of them.</p> <p>21 Q. Who were they?</p> <p>22 A. Larry Callahan, Larry Lapenzino, don't</p> <p>23 ask me to spell it. Sal, forgive me for the last</p> <p>24 name -- I do not know Sal's last name. Linda</p> <p>25 Lendenbriere and Maria Suarez.</p>

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<p style="text-align: right;">Page 57</p> <p>1 K. RANDALL</p> <p>2 Q. How old was Larry Callahan when he was</p> <p>3 laid off as part of the statewide program?</p> <p>4 A. I am going to guess he was 55. Again,</p> <p>5 just guessing.</p> <p>6 Q. I don't want you to guess. If that is</p> <p>7 your best approximation?</p> <p>8 A. That's my best approximation.</p> <p>9 Q. And Larry Lapenzinski what was his</p> <p>10 approximate age when he was laid off?</p> <p>11 A. Around 45.</p> <p>12 Q. How about Sal?</p> <p>13 A. Maybe 40.</p> <p>14 Q. Linda?</p> <p>15 A. I am going to have to guess 40 as well.</p> <p>16 I am not going to guess a woman's age. Those were</p> <p>17 all just guesstimates. I don't have those facts.</p> <p>18 Q. How many employees were hired to work</p> <p>19 at the Syosset facility in 2018? How many</p> <p>20 employees were working there that were hired in</p> <p>21 2018?</p> <p>22 A. I do not have the information.</p> <p>23 Q. Do you know if it was more or less than</p> <p>24 10?</p> <p>25 A. I would say it's no more than 10. We</p>	<p style="text-align: right;">Page 59</p> <p>1 K. RANDALL</p> <p>2 A. Yes.</p> <p>3 Q. Was anyone else involved in making that</p> <p>4 selection?</p> <p>5 A. No.</p> <p>6 Q. How did you select Maria?</p> <p>7 A. The same as I did all the individuals.</p> <p>8 It was a very daunting task to do. Two criteria</p> <p>9 is, one possible job performance, and but overall</p> <p>10 what positions could be eliminated and were not</p> <p>11 being replaced to keep the company going.</p> <p>12 Q. Were the payroll expenses at Southern</p> <p>13 higher in the end of 2018 in Syosset then they are</p> <p>14 in the beginning of 2018?</p> <p>15 A. I am sure they were. As the annual</p> <p>16 raises happen in November of every year for the</p> <p>17 union.</p> <p>18 Q. Did you receive a raise in 2018?</p> <p>19 Again, I don't want to know the amount but did you</p> <p>20 receive a raise in 2018?</p> <p>21 A. I assume so, yes, without going back, I</p> <p>22 think that's normal.</p> <p>23 Q. Did the other managers at Southern in</p> <p>24 Syosset receive raises in 2018?</p> <p>25 A. Management get raises in the first</p>
<p style="text-align: right;">Page 58</p> <p>1 K. RANDALL</p> <p>2 don't do a lot of hiring.</p> <p>3 Q. Who would know how many people were</p> <p>4 hired in 2018 at the Syosset facility.</p> <p>5 A. It would have to come from the human</p> <p>6 resources, run a report.</p> <p>7 Q. Would Elizabeth Toohig know that for</p> <p>8 2018?</p> <p>9 A. She may have knowledge of it. I don't</p> <p>10 know that she has it today but she may be the one</p> <p>11 that knows.</p> <p>12 Q. Do you know Dina Wald Margolis?</p> <p>13 A. I know Dina.</p> <p>14 Q. Does she work for Southern?</p> <p>15 A. No.</p> <p>16 Q. When was the last time that she worked</p> <p>17 for Southern?</p> <p>18 A. If I started in 2017, she may have been</p> <p>19 gone by '16 -- 2013, she may have been gone by '16.</p> <p>20 I am just guessing. I know she went someplace</p> <p>21 else.</p> <p>22 Q. Do you know where she went?</p> <p>23 A. No.</p> <p>24 Q. Were you involved in the decision to</p> <p>25 select Maria Suarez?</p>	<p style="text-align: right;">Page 60</p> <p>1 K. RANDALL</p> <p>2 quarter of the year. The union gets their raises</p> <p>3 at the end of the year, November.</p> <p>4 Q. What's the typical percentage increase</p> <p>5 for let's say managers?</p> <p>6 A. It is 3 percent is an average.</p> <p>7 Q. So do you have any idea this was an</p> <p>8 initiative to save money?</p> <p>9 A. Yes. Yes, I believe so. What else</p> <p>10 could it be.</p> <p>11 Q. Was there any instructions as to how</p> <p>12 much money you had to save?</p> <p>13 A. No.</p> <p>14 Q. You just had to eliminate any five</p> <p>15 people; is that fair to say?</p> <p>16 A. That was my assignment.</p> <p>17 Q. It could have been anyone at the</p> <p>18 company?</p> <p>19 A. Yes.</p> <p>20 Q. Did you receive any other instructions</p> <p>21 other than just having to eliminate five people</p> <p>22 from payroll?</p> <p>23 A. To make sure that the department can</p> <p>24 run efficiently without these five, of course it</p> <p>25 had to be sent to the HR for final approvals and</p>

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<p style="text-align: right;">Page 61</p> <p>1 K. RANDALL</p> <p>2 probably to corporate for overall evaluation.</p> <p>3 Q. Could you have eliminated a union</p> <p>4 employee?</p> <p>5 A. No, not a steady worker.</p> <p>6 Q. How many non-union employees were there</p> <p>7 that you could select to be part of the layoff?</p> <p>8 MS. CABRERA: Select from?</p> <p>9 MR. MOSER: Correct.</p> <p>10 A. Around 20, 25. Twenty-five non-union</p> <p>11 employees.</p> <p>12 Q. What was the lowest paid employee among</p> <p>13 the 25?</p> <p>14 A. I do not recall.</p> <p>15 Q. What was the highest paid employee</p> <p>16 among the 25?</p> <p>17 A. Who was it?</p> <p>18 Q. The person that was paid the least</p> <p>19 among the 25, how much was that person paid?</p> <p>20 A. Around \$60,000, again, an estimate.</p> <p>21 Q. And the person who was paid the most</p> <p>22 among those 25?</p> <p>23 A. Around \$90,000. That's salary, not all</p> <p>24 in.</p> <p>25 Q. There is also fringe benefits,</p>	<p style="text-align: right;">Page 63</p> <p>1 K. RANDALL</p> <p>2 Tonisha had the best qualification to understand</p> <p>3 the accounting piece of it to where this</p> <p>4 information was flowing, where Maria was best fit</p> <p>5 for the inventory control counting piece where she</p> <p>6 had been placed and the decision was made to make</p> <p>7 Tonisha the manager and spoke to Maria about being</p> <p>8 the administrator.</p> <p>9 Q. When Maria was made the administrator</p> <p>10 was she still the manager?</p> <p>11 A. As an administrator she still</p> <p>12 supervised people, manage, supervisor, however you</p> <p>13 want to say it, she was still in charge of</p> <p>14 instructing employees what to count and when to</p> <p>15 count it.</p> <p>16 Q. Did she have the authority when she</p> <p>17 became the administrator to supervise the other</p> <p>18 employees to tell them what to do?</p> <p>19 A. The inventory control team, yes.</p> <p>20 Q. Who was in the inventory control team</p> <p>21 at that time?</p> <p>22 A. Ena Scott, Tatiana Herdocia and, I</p> <p>23 believe, Justin Vay. There could have been another</p> <p>24 one, I am not sure.</p> <p>25 Q. Is Justin Vay still employed by</p>
<p style="text-align: right;">Page 62</p> <p>1 K. RANDALL</p> <p>2 retirement, those types of things?</p> <p>3 A. Yes.</p> <p>4 Q. Were you involved at all in giving</p> <p>5 Maria Suarez the position of WMI administrator?</p> <p>6 A. Yes.</p> <p>7 Q. Can you describe your role in that?</p> <p>8 A. Coming from Upstate New York, where I</p> <p>9 had WMI experience laid out, we had an inventory</p> <p>10 control manager or inventory control administrator.</p> <p>11 Following that suit, when we went to the WMI, we</p> <p>12 posted for a manager and we posted for</p> <p>13 administrator, so I would be on similar lines of</p> <p>14 what I was use to and what Upstate New York ran.</p> <p>15 We posted the two jobs. Maria and</p> <p>16 Tonisha Durant applied for the inventory control</p> <p>17 manager and they were both inventory control</p> <p>18 managers at the time. Tonisha was inventory</p> <p>19 control manager in the accounting department in</p> <p>20 2013. Maria was inventory control manager in the</p> <p>21 warehouse. With WMI you don't have to have these</p> <p>22 meetings all the time every month. As the</p> <p>23 information flows through the scan guns and through</p> <p>24 the counts.</p> <p>25 After interviewing the two individuals</p>	<p style="text-align: right;">Page 64</p> <p>1 K. RANDALL</p> <p>2 Southern?</p> <p>3 A. Yes.</p> <p>4 Q. What is his job title?</p> <p>5 A. Inventory control counter.</p> <p>6 Q. Ena Scott and the other cycle counters</p> <p>7 as well?</p> <p>8 A. Yes.</p> <p>9 Q. Who do they report?</p> <p>10 A. Who did they?</p> <p>11 Q. Who do they report to today?</p> <p>12 A. Tonisha.</p> <p>13 Q. When you decided which five to</p> <p>14 eliminate how did you do that?</p> <p>15 A. Again, based on need to have the</p> <p>16 business flow without five people which is not an</p> <p>17 easy task to do. The first step was who can be</p> <p>18 eliminated and we can continue business the way it</p> <p>19 was. Since John Wilkinson was in charge of the</p> <p>20 warehouse he could assume the responsibilities of</p> <p>21 the counters without Maria. So that was one of the</p> <p>22 determining factors as to how that process could</p> <p>23 continue.</p> <p>24 Q. Was anyone besides you involved in the</p> <p>25 process of selecting these five?</p>

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<p style="text-align: right;">Page 65</p> <p>1 K. RANDALL</p> <p>2 A. No.</p> <p>3 Q. Did you keep any records regarding how</p> <p>4 you made this decision?</p> <p>5 A. No.</p> <p>6 Q. Did you have any emails with anyone</p> <p>7 else at Southern regarding how you made this</p> <p>8 decision?</p> <p>9 A. If I did it would have been with John</p> <p>10 Wilkinson, the director of operations. Obviously,</p> <p>11 he had to be assuming some of this role.</p> <p>12 Q. Is it fair to say that if we don't have</p> <p>13 any emails regarding how these people were selected</p> <p>14 that you did not send any to John Wilkinson?</p> <p>15 A. I am sure I sent something though.</p> <p>16 Even though I was the sole responsible person to</p> <p>17 make the selection, I would not have done that just</p> <p>18 by myself without asking others.</p> <p>19 Q. Did you rely on John's advise or input</p> <p>20 in selecting Maria?</p> <p>21 A. As in all of these people reported to</p> <p>22 John, so, yes, I would have had to had some back</p> <p>23 and forth email or verbal.</p> <p>24 Q. But you're sure that there was at least</p> <p>25 one email between you and John regarding the</p>	<p style="text-align: right;">Page 67</p> <p>1 K. RANDALL</p> <p>2 John for that information?</p> <p>3 A. I relied on him to help me with that</p> <p>4 process so I would not know that.</p> <p>5 Q. If Maria was selected John would have</p> <p>6 had input into that?</p> <p>7 A. He would have had input as to who was</p> <p>8 going to do the job, yes.</p> <p>9 Q. He would have input into the selection</p> <p>10 of her as one of the five?</p> <p>11 A. Yes, he would have had input.</p> <p>12 Q. Do you have any communications between</p> <p>13 you and anyone regarding how these five individuals</p> <p>14 were selected?</p> <p>15 A. Can you repeat the question?</p> <p>16 Q. Do you have any emails or were there</p> <p>17 any emails between you and anyone else at Southern</p> <p>18 regarding how these five people were selected?</p> <p>19 A. I want to assume there had to be an</p> <p>20 email between Ray Kohn, my direct report to and</p> <p>21 Beth Toohig, human resources. There had to be some</p> <p>22 kind of communication. What that was I can't tell</p> <p>23 you.</p> <p>24 Q. Did Maria continue to have supervisory</p> <p>25 authority until the time that she separated from</p>
<p style="text-align: right;">Page 66</p> <p>1 K. RANDALL</p> <p>2 selection of these people?</p> <p>3 A. Email or verbal. You're asking me if</p> <p>4 emailed John, I assume that I did, but he had been</p> <p>5 part of the process.</p> <p>6 Q. How much did you rely on him in terms</p> <p>7 of selecting these five?</p> <p>8 A. I relied on John to make sure that the</p> <p>9 work could be performed without these five people,</p> <p>10 since they all reported to the operations. So I</p> <p>11 relied on him to tell me that it could continue.</p> <p>12 Q. Did John select the five?</p> <p>13 A. No.</p> <p>14 Q. Did you ask John -- can you tell me</p> <p>15 everything that you remember about the</p> <p>16 conversations or emails that you had with John</p> <p>17 about selecting the five?</p> <p>18 A. Without seeing an email from five years</p> <p>19 ago, it had to be based on performance, like I</p> <p>20 said, as well as who could do the job of the</p> <p>21 remaining people in the warehouse. Get rid of one</p> <p>22 person who was going to be doing that job. I had</p> <p>23 to be comfortable with that.</p> <p>24 Q. In determining who could do the job and</p> <p>25 which position could be eliminated did you rely on</p>	<p style="text-align: right;">Page 68</p> <p>1 K. RANDALL</p> <p>2 employment with Southern?</p> <p>3 A. Yes.</p> <p>4 Q. Over whom?</p> <p>5 A. Over the cycle counters. There is</p> <p>6 three or four.</p> <p>7 Q. Did anyone ever take away Maria's</p> <p>8 supervisory authority while she was at Southern?</p> <p>9 A. No, how else would they get their work.</p> <p>10 Q. I know this probably doesn't need to be</p> <p>11 said, but might need to be said, we know certain</p> <p>12 things that are not on the record, such as that</p> <p>13 John Wilkinson is no longer with us, he passed</p> <p>14 away, correct?</p> <p>15 A. Yes.</p> <p>16 Q. When did he die?</p> <p>17 A. Around 2019/2020.</p> <p>18 Q. Approximately?</p> <p>19 A. I am guessing, approximately.</p> <p>20 Q. At some point was John Wilkinson</p> <p>21 selected as part of the layoff?</p> <p>22 A. No.</p> <p>23 Q. Was Maria Suarez an exempt employee,</p> <p>24 was she paid a salary?</p> <p>25 A. Yes, she was.</p>

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<p style="text-align: right;">Page 69</p> <p>1 K. RANDALL</p> <p>2 Q. Why was she paid a salary rather than</p> <p>3 hourly?</p> <p>4 A. In generalization, nonunion people are</p> <p>5 hourly in our building, and everyone else being a</p> <p>6 management or supervisory or be able to issue work</p> <p>7 becomes exempt.</p> <p>8 Q. The nonunion staff are exempt managers;</p> <p>9 is that fair to say?</p> <p>10 A. And supervisors.</p> <p>11 Q. The nonunion staff are exempt managers</p> <p>12 and supervisors; is that fair to say?</p> <p>13 A. Fair.</p> <p>14 Q. Did Maria Suarez have an office?</p> <p>15 A. She did.</p> <p>16 Q. Where was her office located?</p> <p>17 A. First floor of the 345 warehouse</p> <p>18 building.</p> <p>19 Q. Did she have a chair and a computer?</p> <p>20 A. Yes.</p> <p>21 Q. Did she have that office until she</p> <p>22 separated from employment?</p> <p>23 A. No, I believe that she was struggling</p> <p>24 with some of the WMI work that was being -- had</p> <p>25 changed her way of working. I believe John moved</p>	<p style="text-align: right;">Page 71</p> <p>1 K. RANDALL</p> <p>2 Q. Have you seen it anywhere else?</p> <p>3 A. Not laid out like this.</p> <p>4 Q. Do you recall seeing it laid out in any</p> <p>5 other type of fashion?</p> <p>6 A. I did not do this. I did not see it.</p> <p>7 Q. Do you know who prepared this?</p> <p>8 A. No.</p> <p>9 Q. Do you know why this was prepared?</p> <p>10 A. It looks like it's a detailed job</p> <p>11 description prepared.</p> <p>12 Q. For whom?</p> <p>13 A. For what individual?</p> <p>14 Q. Yes.</p> <p>15 A. Since we're talking about Maria Suarez,</p> <p>16 I'm going to assume that's it. To cycle count</p> <p>17 every day. Maybe a way to identify her job in the</p> <p>18 WMI world.</p> <p>19 Q. Do you believe that is accurately the</p> <p>20 description of Maria Suarez' job duties as WMI</p> <p>21 administrator?</p> <p>22 A. This looks like the procedures in place</p> <p>23 to help her reconcile the books at the warehouse</p> <p>24 level. But not a full complete detailed list, no.</p> <p>25 Q. What's missing from that?</p>
<p style="text-align: right;">Page 70</p> <p>1 K. RANDALL</p> <p>2 her to the blue room, we call it, because it's the</p> <p>3 color blue where supervisors have computers set up</p> <p>4 and you're closer to your people.</p> <p>5 Q. Do you know when he did that?</p> <p>6 A. No.</p> <p>7 Q. Do you know why he moved her in the</p> <p>8 blue room?</p> <p>9 A. I think because she needed more -- why?</p> <p>10 Probably because she needed to be closer to her</p> <p>11 people, to help them, educate them on how to get</p> <p>12 the job performed.</p> <p>13 Q. How would that get her closer to the</p> <p>14 people being in the blue room?</p> <p>15 A. Because the blue room is right in the</p> <p>16 middle of the warehouse. Everyone is right there.</p> <p>17 You can identify problems, talk to other people and</p> <p>18 the counters are in the warehouse most of the day.</p> <p>19 (Whereupon, Plaintiff's Exhibit 2</p> <p>20 was marked for identification.)</p> <p>21 Q. Did you recognize that document?</p> <p>22 A. I do not.</p> <p>23 Q. Have you ever seen that document before</p> <p>24 today?</p> <p>25 A. Not like this.</p>	<p style="text-align: right;">Page 72</p> <p>1 K. RANDALL</p> <p>2 A. Her assigning the cycle counts to the</p> <p>3 three or four cycle counters that we have in the</p> <p>4 warehouse and where they are assigned to daily. It</p> <p>5 says cycle count every day. It doesn't state it to</p> <p>6 assign it to someone but that is what it would have</p> <p>7 referred to.</p> <p>8 Q. If she was supposed to assign someone</p> <p>9 to cycle count every single day and that person did</p> <p>10 not cycle count every single day who would be</p> <p>11 responsible for that?</p> <p>12 A. She would know because her counts</p> <p>13 wouldn't be prepared if she couldn't do the rest of</p> <p>14 the reconciliation. Which is the reconciliation</p> <p>15 report is done every day to review and fix all</p> <p>16 items.</p> <p>17 Q. Who would be responsible to do the</p> <p>18 cycle count every day if Maria assigned it to</p> <p>19 another employee?</p> <p>20 A. She would be.</p> <p>21 Q. Maria would be responsible for that?</p> <p>22 A. To have them do it.</p> <p>23 Q. Let's say the employee did not do the</p> <p>24 cycle count as she requested, would Maria be</p> <p>25 responsible for that?</p>

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<p style="text-align: right;">Page 73</p> <p>1 K. RANDALL</p> <p>2 A. She would be responsible and held</p> <p>3 accountable with her direct manager.</p> <p>4 Q. Would the employee who did not do the</p> <p>5 cycle count be held responsible?</p> <p>6 A. They should, yes, if they don't do what</p> <p>7 she asked them to do.</p> <p>8 Q. If a manager gives a direct instruction</p> <p>9 to an employee to do something and that employee</p> <p>10 blatantly refuses to do it and, therefore, it's not</p> <p>11 done and the manager reports that to you, do you</p> <p>12 discipline the manager for that?</p> <p>13 A. No.</p> <p>14 Q. Who did you discipline?</p> <p>15 A. If goes to HR as part of an</p> <p>16 investigation as to what the instructions were and</p> <p>17 did the employee refuse to do an assigned job.</p> <p>18 Q. So besides Maria's supervisory</p> <p>19 responsibilities is anything else missing from this</p> <p>20 particular document and, again, I am referring to</p> <p>21 the Plaintiff's Exhibit 2?</p> <p>22 A. She reconciled, she ensured that</p> <p>23 everything was put in place. That they cycle</p> <p>24 counted every day. That she did the wave</p> <p>25 management and reconciled the report each and every</p>	<p style="text-align: right;">Page 75</p> <p>1 K. RANDALL</p> <p>2 Q. At that time that she became inventory</p> <p>3 control manager you determined what her</p> <p>4 responsibilities would be, correct?</p> <p>5 A. They were the same as what she was in</p> <p>6 accounting. Now, rather than meet monthly, was all</p> <p>7 rolled up into one communication from her to</p> <p>8 accounting.</p> <p>9 Q. So Tonisha Durant was doing the same</p> <p>10 thing in her new role as WMI inventory control</p> <p>11 manager?</p> <p>12 A. No.</p> <p>13 Q. How did her role change?</p> <p>14 A. Her role did not change. Her role came</p> <p>15 from the accounting where she used to work and she</p> <p>16 applied to this position to become the inventory</p> <p>17 control manager. She is the communicator between</p> <p>18 the accounting and the warehouse. She remained</p> <p>19 that constant.</p> <p>20 Q. Did her responsibilities change at all</p> <p>21 when she became WMI inventory control manager?</p> <p>22 A. Just the way that she got the</p> <p>23 information.</p> <p>24 Q. How did that change?</p> <p>25 A. It's instead of physically counting the</p>
<p style="text-align: right;">Page 74</p> <p>1 K. RANDALL</p> <p>2 day and fixed the items as they appeared.</p> <p>3 MR. MOSER: Please read back the</p> <p>4 question.</p> <p>5 (Whereupon, the referred to</p> <p>6 question was read.)</p> <p>7 A. Not that I can see.</p> <p>8 Q. Were you responsible for drafting Maria</p> <p>9 Suarez' job description as a WMI administrator?</p> <p>10 A. No.</p> <p>11 Q. Were you the one that WMI</p> <p>12 administrator?</p> <p>13 A. No.</p> <p>14 Q. Who determined what Maria's</p> <p>15 responsibilities would be as WMI administrator?</p> <p>16 A. It would be her direct supervisor, John</p> <p>17 Wilkinson.</p> <p>18 Q. Who determined what Tonisha Durant's</p> <p>19 responsibilities would be as WMI inventory control</p> <p>20 manager?</p> <p>21 A. I would, she reported directly to me.</p> <p>22 Q. At what point did Tonisha Durant begin</p> <p>23 reporting directly to you?</p> <p>24 A. When she assumed the role of inventory</p> <p>25 control manager in 2018 whenever it was.</p>	<p style="text-align: right;">Page 76</p> <p>1 K. RANDALL</p> <p>2 cases, everything was done with a scan gun and fed</p> <p>3 through the system.</p> <p>4 Q. Was there a redundancy for some period</p> <p>5 of time meaning that you kept both systems in place</p> <p>6 for some period of time?</p> <p>7 A. I think there is a learning curve. Not</p> <p>8 a redundancy but we stopped doing the physical</p> <p>9 counts when we went to this new scan gun procedure</p> <p>10 and how we check everything and reconcile.</p> <p>11 (Whereupon, Plaintiff's Exhibit 3</p> <p>12 was marked for identification.)</p> <p>13 Q. I am going to show you what has been</p> <p>14 marked as Plaintiff's Exhibit 3 and it's on the</p> <p>15 bottom Bates stamp SGWS 000895. I would like you</p> <p>16 to take a movement to look at that document.</p> <p>17 A. (Witness perusing document.) Okay.</p> <p>18 Q. Have you ever seen this document before</p> <p>19 today?</p> <p>20 A. I am sure that I have.</p> <p>21 Q. It says here hiring manager Kevin</p> <p>22 Randall. What does that mean "hiring manager,"</p> <p>23 what does that signify?</p> <p>24 A. It signifies that everything kind of</p> <p>25 goes through me as the vice-president of operations</p>

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<p style="text-align: right;">Page 77</p> <p>1 K. RANDALL</p> <p>2 as we're going into a new system.</p> <p>3 Q. The history below that on the first</p> <p>4 page, can you explain what that means?</p> <p>5 A. Just the approval process that looks</p> <p>6 like where Dina posted the position, everybody</p> <p>7 approved it, from the general manager to the HR to</p> <p>8 my boss and to myself.</p> <p>9 Q. So let's go to the second page where it</p> <p>10 says January 27th of 2016. Do you see that on top,</p> <p>11 the requisition duplicated?</p> <p>12 A. Yup.</p> <p>13 Q. When it says "created" they created a</p> <p>14 job opening?</p> <p>15 A. Looks like they created a duplication</p> <p>16 of a different job, which is probably the one that</p> <p>17 I had Upstate.</p> <p>18 Q. Did you approve this job description?</p> <p>19 A. I did.</p> <p>20 Q. Was this job description for Maria</p> <p>21 Suarez?</p> <p>22 A. I don't recall if we did this</p> <p>23 afterwards, no. We had to have both positions to</p> <p>24 begin with, I believe, that we had to post the</p> <p>25 position for inventory control manager and WMI</p>	<p style="text-align: right;">Page 79</p> <p>1 K. RANDALL</p> <p>2 this job would be something that she would be</p> <p>3 interested in. It was what she does today. It was</p> <p>4 what she was doing.</p> <p>5 Q. We talked earlier about performance of</p> <p>6 job descriptions, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever present Maria with the</p> <p>9 written job description informing her what she was</p> <p>10 suppose to do or did you just tell her?</p> <p>11 A. My part of it was meeting with her. I</p> <p>12 do not recall giving her a job description. It</p> <p>13 could have happened. I don't recall. It was a few</p> <p>14 years ago. I do recall --</p> <p>15 Q. Does this document fairly and</p> <p>16 accurately describe Maria's job?</p> <p>17 A. Sure. I would say so. I read through</p> <p>18 it. She trains and overseas, analyses, helps</p> <p>19 people, trains the local staff.</p> <p>20 Q. Is there anything on this document that</p> <p>21 is inaccurate or incorrect or does not describe</p> <p>22 what Maria Suarez' job was?</p> <p>23 A. I don't see anything.</p> <p>24 Q. Was she inspected to do everything that</p> <p>25 was on her job description?</p>
<p style="text-align: right;">Page 78</p> <p>1 K. RANDALL</p> <p>2 administrator at the same time.</p> <p>3 Q. Was Maria Suarez hired as the WMI</p> <p>4 administrator?</p> <p>5 A. Yes, she was.</p> <p>6 Q. Was she hired in that particular</p> <p>7 position?</p> <p>8 A. She was.</p> <p>9 Q. Is this job description for Maria</p> <p>10 Suarez?</p> <p>11 A. For her position?</p> <p>12 Q. Yes.</p> <p>13 A. That would be what it is for, yes.</p> <p>14 Q. Did Southern present this to</p> <p>15 Ms. Suarez?</p> <p>16 A. I do not recall how they presented it.</p> <p>17 I presented it personally to her. Not this</p> <p>18 particular job itself. I talked to her about this</p> <p>19 job.</p> <p>20 Q. Did you present to her a job</p> <p>21 prescription?</p> <p>22 A. No.</p> <p>23 Q. You just talked to her about the job?</p> <p>24 A. I spoke to her about not getting the</p> <p>25 inventory control manager job and I thought that</p>	<p style="text-align: right;">Page 80</p> <p>1 K. RANDALL</p> <p>2 A. Yes.</p> <p>3 Q. Did she have the qualifications in your</p> <p>4 mind to do everything that was on her job</p> <p>5 description?</p> <p>6 A. Yes.</p> <p>7 Q. What did you verbally explain to Maria</p> <p>8 regarding this job?</p> <p>9 A. We have this position Upstate. It's</p> <p>10 required down here for WMI. I thought she would be</p> <p>11 a good fit for this. She knows everything to do in</p> <p>12 the warehouse setting and so I encouraged her to</p> <p>13 consider this position.</p> <p>14 Q. How important was the position of WMI</p> <p>15 administrator?</p> <p>16 A. It's very important.</p> <p>17 Q. What were the risks to Southern if the</p> <p>18 WMI administrator did not do his or her job</p> <p>19 correctly?</p> <p>20 A. We're not going to go back and take the</p> <p>21 system back, it had to be implemented, so it was up</p> <p>22 to this person to understand the system, train the</p> <p>23 employees, train her team and what was required of</p> <p>24 them, and reconcile the inventory on the floor</p> <p>25 daily, very important.</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 K. RANDALL</p> <p>2 Q. What would be -- what could be the</p> <p>3 negative consequences to Southern if Maria did not</p> <p>4 perform her job correctly as the WMI administrator?</p> <p>5 A. The inventory would have been</p> <p>6 upsidedown.</p> <p>7 Q. That would have affected the</p> <p>8 financials?</p> <p>9 A. Sure would.</p> <p>10 Q. Does that affect the amount of</p> <p>11 insurance that has to be purchased on the</p> <p>12 inventory?</p> <p>13 A. I don't know how that could really or</p> <p>14 what happens to inventory if it has huge swings,</p> <p>15 misses 100 cases today, you find it next week, you</p> <p>16 go back and forth. For insurance purposes or for</p> <p>17 bank purposes, it is that comfort level that we</p> <p>18 have it under control.</p> <p>19 Q. It this a heavily regulated industry;</p> <p>20 beer and wine distribution?</p> <p>21 A. Yes, on how we sell and who we sell to.</p> <p>22 Q. Are there any regulations that you're</p> <p>23 aware of regarding how the inventory is stored?</p> <p>24 A. No. Mostly on the sales side, State</p> <p>25 Liquor Authority.</p>	<p style="text-align: right;">Page 83</p> <p>1 K. RANDALL</p> <p>2 alongside of all of those people and her team and</p> <p>3 nothing in this new world was going to change.</p> <p>4 That was all going to stay the same. It was just</p> <p>5 how we reported to accounting and to corporate in</p> <p>6 your results and I felt that she had a great grasp</p> <p>7 how that reported internally and how she performed.</p> <p>8 Q. Is there any other reason that you</p> <p>9 believe that she was the best qualified person for</p> <p>10 the WMI administrator position?</p> <p>11 A. I don't know what else there would be.</p> <p>12 She wanted the other job and I felt this was a</p> <p>13 better fit for her.</p> <p>14 Q. Besides what you already mentioned is</p> <p>15 there anything else that you believe made her the</p> <p>16 best qualified person for the WMI administrator</p> <p>17 position?</p> <p>18 A. Not that I can recall.</p> <p>19 Q. Where was your office located?</p> <p>20 A. My career started at 313 and a few</p> <p>21 years afterwards I moved over to 345 to move closer</p> <p>22 to where everyone would be, I felt detached.</p> <p>23 Q. When did you move your office from 313</p> <p>24 to 345?</p> <p>25 A. Right around the time of this WMI go</p>
<p style="text-align: right;">Page 82</p> <p>1 K. RANDALL</p> <p>2 Q. What would be the risk to Southern if</p> <p>3 Maria made a mistake as the WMI administrator?</p> <p>4 A. If the cases were missing, if it came</p> <p>5 time to sell it, it wouldn't sell in the system,</p> <p>6 loss of sales.</p> <p>7 Q. Does Southern hire based upon merit?</p> <p>8 A. I think that plays a big part in it.</p> <p>9 Q. As the manager is it your job to</p> <p>10 protect to Southern's interests?</p> <p>11 A. Sure.</p> <p>12 Q. As a manager is it your job to hire the</p> <p>13 most qualified person for any particular job?</p> <p>14 A. Yes.</p> <p>15 Q. In your mind as a manager do you hire</p> <p>16 most qualified individuals to perform any</p> <p>17 particular job?</p> <p>18 A. Yes.</p> <p>19 Q. When you hired Maria Suarez into the</p> <p>20 WMI administrator position did you believe that she</p> <p>21 was the most qualified person to do that job?</p> <p>22 A. She was.</p> <p>23 Q. What made her best qualified to do that</p> <p>24 job?</p> <p>25 A. She worked in the warehouse every day</p>	<p style="text-align: right;">Page 84</p> <p>1 K. RANDALL</p> <p>2 live I would say.</p> <p>3 Q. How many square feet is the warehouse</p> <p>4 again?</p> <p>5 A. It is 375.</p> <p>6 Q. Is that 375,000 square feet?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever observe Maria in the</p> <p>9 performance of her duties?</p> <p>10 A. No, I don't really go to the warehouse</p> <p>11 a lot.</p> <p>12 Q. Who primarily observed Maria in the</p> <p>13 performance of her duties as WMI administrator?</p> <p>14 A. John Wilkinson but during goal line we</p> <p>15 had many people come in and try help us to get</p> <p>16 organized on how to perform. Part of the people</p> <p>17 were from other locations.</p> <p>18 Q. Did you ever directly supervise Maria?</p> <p>19 A. No.</p> <p>20 Q. Did you ever observe her directly in</p> <p>21 the performance of her duties?</p> <p>22 A. In her meetings, when we sat with</p> <p>23 accounting and I could directly observe her</p> <p>24 communicating with accounting.</p> <p>25 Q. That was when she was inventory control</p>

21 (Pages 81 to 84)

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<p style="text-align: right;">Page 85</p> <p>1 K. RANDALL</p> <p>2 manager, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Once she became the WMI administrator</p> <p>5 she was no longer involved in those monthly</p> <p>6 meetings?</p> <p>7 A. There was no monthly meetings.</p> <p>8 Q. Other than at the meetings that you</p> <p>9 attended when she was still inventory control</p> <p>10 manager, did you ever personally observe Maria</p> <p>11 Suarez in performance of her duties?</p> <p>12 A. I'm sure I did. I am in that warehouse</p> <p>13 not a lot, but I do walkthrough that warehouse.</p> <p>14 Q. Do you recall anything in particular?</p> <p>15 A. I recall her being in the blue room. I</p> <p>16 recall when they moved her into the blue room.</p> <p>17 Q. Do you recall anything else specific</p> <p>18 about that other than the fact that she was moved</p> <p>19 to the blue room?</p> <p>20 A. No.</p> <p>21 Q. Did you rely on information from your</p> <p>22 subordinates to determine how Marie was doing?</p> <p>23 A. Sure.</p> <p>24 Q. Who did you rely on?</p> <p>25 A. John Wilkinson for one and then we had</p>	<p style="text-align: right;">Page 87</p> <p>1 K. RANDALL</p> <p>2 Q. Do you recall anything regarding that</p> <p>3 meeting?</p> <p>4 A. No.</p> <p>5 Q. Besides relying on information from</p> <p>6 John Wilkinson and Melissa Johnson regarding how</p> <p>7 Maria was doing in the WMI administrator position</p> <p>8 did you rely on anyone else to inform you on how</p> <p>9 she was doing?</p> <p>10 A. No, these tasks are pretty at hand with</p> <p>11 the warehouse. So because John was in a charge of</p> <p>12 all the warehousing, I'd have to assume that he</p> <p>13 would be the one that let me know, with the</p> <p>14 training Melissa. Did Tonisha give me some</p> <p>15 information maybe that her books were being</p> <p>16 balanced upstairs? I don't recall if that ever</p> <p>17 happened.</p> <p>18 Q. It could have been Tonisha Durant as</p> <p>19 well?</p> <p>20 A. It could have been. We're all part of</p> <p>21 that inventory. I can't recall that specifically.</p> <p>22 Q. Did Tonisha Durant report directly to</p> <p>23 you?</p> <p>24 A. Yes.</p> <p>25 Q. Did John Wilkinson report directly to</p>
<p style="text-align: right;">Page 86</p> <p>1 K. RANDALL</p> <p>2 people from our Upstate New York location come down</p> <p>3 here and help train her and I relied on that</p> <p>4 feedback on how she was doing.</p> <p>5 Q. Who from upstate did you rely on in?</p> <p>6 A. Melissa Johnson, I believe that her</p> <p>7 name is. I think that she got married.</p> <p>8 Q. Did you rely on anyone else's input in</p> <p>9 regard to how Maria was doing?</p> <p>10 A. I am sure there was others from other</p> <p>11 sites. I am not sure of their names now. To</p> <p>12 instruct her the two main people were John and</p> <p>13 Melissa.</p> <p>14 Q. Were you ever present when John or</p> <p>15 Melissa gave training to Maria?</p> <p>16 A. Maybe, I don't recall it. I don't get</p> <p>17 it at that level, so I don't really know.</p> <p>18 Q. Were you ever present at any meeting in</p> <p>19 which Maria was reprimanded or disciplined?</p> <p>20 A. I'm going to say that I probably was.</p> <p>21 I know they put her on PIP which is a Performance</p> <p>22 Improvement Plan. I would have to assume and,</p> <p>23 again, it's five years ago, I have to assume that</p> <p>24 probably at some point that was in my presence</p> <p>25 during that PIP.</p>	<p style="text-align: right;">Page 88</p> <p>1 K. RANDALL</p> <p>2 you?</p> <p>3 A. Yes.</p> <p>4 Q. Did Maria Suarez report directly to</p> <p>5 you?</p> <p>6 A. No.</p> <p>7 Q. How many supervisors conduct a</p> <p>8 performance evaluation?</p> <p>9 A. Fifteen or 20 that we have.</p> <p>10 Q. But for any given employee is there</p> <p>11 performance evaluation done by their supervisor?</p> <p>12 A. Manager, yes.</p> <p>13 Q. So Maria didn't have a supervisor.</p> <p>14 Maria had a manager, correct?</p> <p>15 A. Yes.</p> <p>16 Q. The manager was John Wilkinson; is that</p> <p>17 fair to say?</p> <p>18 A. Correct.</p> <p>19 Q. Did Maria have more than one</p> <p>20 supervisor?</p> <p>21 A. No.</p> <p>22 Q. Whose direction was she required to</p> <p>23 follow?</p> <p>24 A. John's.</p> <p>25 Q. Was she required to follow anyone</p>

22 (Pages 85 to 88)

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<p style="text-align: right;">Page 89</p> <p>1 K. RANDALL</p> <p>2 else's instructions other than John?</p> <p>3 A. No, not directly. But indirectly I</p> <p>4 suppose if someone was trying to train her.</p> <p>5 Q. Would John determine who was training</p> <p>6 her or you?</p> <p>7 A. John. Maybe my input. Obviously John</p> <p>8 didn't know how to do this system either. It was</p> <p>9 new to everyone. We needed outside information to</p> <p>10 come in. There was no expert in it.</p> <p>11 Q. Do you recall any information that</p> <p>12 either John Wilkinson gave you about Maria Suarez</p> <p>13 and how she was performing her duties as the WMI</p> <p>14 administrator?</p> <p>15 A. I am sure that emailed me and said is</p> <p>16 that she was failing in certain areas, I'm sure.</p> <p>17 Q. Do you have any specific recollection</p> <p>18 of what he was telling you?</p> <p>19 A. Not what it was but I do believe that</p> <p>20 probably lead her to the PIP plan, the Performance</p> <p>21 Improvement Plan. Let's put her on a plan to see</p> <p>22 if we can right the ship.</p> <p>23 Q. Did John Wilkinson ever talk to you</p> <p>24 about Maria Suarez, I am not talking to you about</p> <p>25 an email somewhere, did he ever talk to you about</p>	<p style="text-align: right;">Page 91</p> <p>1 K. RANDALL</p> <p>2 Q. You gave her the authority over the</p> <p>3 inventory control clerk?</p> <p>4 A. Yes.</p> <p>5 Q. Did John Wilkinson have the authority</p> <p>6 to change that and take away her supervisory</p> <p>7 responsibility?</p> <p>8 A. Did he have the authority to? I would</p> <p>9 have to guess he had the authority. I would have</p> <p>10 to guess he would have to ask me first but the</p> <p>11 authority is she was his direct report.</p> <p>12 Q. When her supervisor authority changed</p> <p>13 would that have been reflected in the job</p> <p>14 description?</p> <p>15 A. It would have been passed by me first.</p> <p>16 Q. Did anyone ever ask you about taking</p> <p>17 away Maria Suarez' supervisory authority?</p> <p>18 A. No. I wouldn't let that happen. It's</p> <p>19 part of what I needed her to do.</p> <p>20 Q. If John Wilkinson had taken away her</p> <p>21 supervisory authority what would you say to him?</p> <p>22 A. I would ask him why, there has to be a</p> <p>23 reason.</p> <p>24 Q. Would you ask him why he didn't get</p> <p>25 your approval?</p>
<p style="text-align: right;">Page 90</p> <p>1 K. RANDALL</p> <p>2 Maria Suarez and how she was doing as the WMI</p> <p>3 administrator?</p> <p>4 A. I am sure that he did.</p> <p>5 Q. Do you recall any of those</p> <p>6 conversations?</p> <p>7 A. Maybe she was being difficult at times</p> <p>8 in learning or absorbing what was being taught to</p> <p>9 her. I don't recall the exact conversation.</p> <p>10 Q. How about Melissa Johnson, did Melissa</p> <p>11 Johnson ever talk to you about Maria Suarez'</p> <p>12 performance and I am not talking about in an email,</p> <p>13 I'm talking about verbally did Melissa Johnson talk</p> <p>14 to you?</p> <p>15 A. I'm sure that she did.</p> <p>16 Q. Do you recall anything that she said?</p> <p>17 A. She was getting road blocks along the</p> <p>18 way and I believe that she also emailed that to me.</p> <p>19 Q. Did John Wilkinson have the authority</p> <p>20 to take away Maria Suarez' supervisory authority</p> <p>21 over the inventory control clerk?</p> <p>22 A. I guess he would.</p> <p>23 Q. You created her job description,</p> <p>24 correct?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 92</p> <p>1 K. RANDALL</p> <p>2 A. That would have been the next stop too.</p> <p>3 That's another conversation.</p> <p>4 Q. Do you know whether John and Maria's</p> <p>5 relationship changed at all over the years?</p> <p>6 A. I always thought that they got along</p> <p>7 very well is what I always thought from perception.</p> <p>8 I know during WMI the learning curve was tough.</p> <p>9 Everybody was trying to grasp the system. I always</p> <p>10 thought they got along very well for a working</p> <p>11 relationship. He was very supportive of her.</p> <p>12 Q. You would say that John Wilkinson was</p> <p>13 very supportive of Maria?</p> <p>14 A. Yeah, he tried to help.</p> <p>15 (Whereupon, Plaintiff's Exhibit 4</p> <p>16 was marked for identification.)</p> <p>17 Q. Plaintiff's Exhibit 4 for</p> <p>18 identification, Cycle Counting Daily Procedure. I</p> <p>19 am showing you document that has been marked as</p> <p>20 Plaintiff's Exhibit 4, bearing Bates stamp SGWS 00</p> <p>21 1447, it is a two-page document. Have you ever</p> <p>22 seen that before?</p> <p>23 A. (Witness perusing document.) Not that</p> <p>24 I can recall.</p> <p>25 Q. Do you know what this is?</p>

23 (Pages 89 to 92)

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<p style="text-align: right;">Page 93</p> <p>1 K. RANDALL</p> <p>2 A. John put this together. A daily</p> <p>3 procedure to get the counts down to try to organize</p> <p>4 the department.</p> <p>5 Q. Do you know who this was intended for?</p> <p>6 A. My guess is for Maria and her whole</p> <p>7 team. Since they are the only ones in there, that</p> <p>8 would be a good assumption.</p> <p>9 Q. If John required Maria to be on the</p> <p>10 floor at the warehouse cycle counting do you</p> <p>11 believe that that would have been part of her job</p> <p>12 responsibilities and something that she should have</p> <p>13 been doing?</p> <p>14 A. No.</p> <p>15 Q. If John was reprimanding her for not</p> <p>16 cycle counting correctly is that something that you</p> <p>17 would approve of?</p> <p>18 A. No. He would be referring to her</p> <p>19 people counting.</p> <p>20 Q. Maria was laid off as part of that</p> <p>21 Statewide Cost Savings Program, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Until she was laid off did you consider</p> <p>24 her position to be an essential part of your team</p> <p>25 in your structure?</p>	<p style="text-align: right;">Page 95</p> <p>1 K. RANDALL</p> <p>2 Sapphire?</p> <p>3 A. The Sapphire-based system.</p> <p>4 Q. To WMI?</p> <p>5 A. Correct, yes.</p> <p>6 Q. Part of her job was to help with the</p> <p>7 transition; is that fair to say?</p> <p>8 A. Get us up and running, yes.</p> <p>9 Q. What were the project objectives, when</p> <p>10 it says here it talks about her function is to</p> <p>11 achieve project objectives. What were the project</p> <p>12 objectives?</p> <p>13 A. The project itself was WMI</p> <p>14 implementation. To achieve that was to train not</p> <p>15 just her team, all the players in the warehouse in</p> <p>16 how to perform their job duties with scanning and</p> <p>17 putting and picking to make sure that the inventory</p> <p>18 control was valid. That was really the training</p> <p>19 situation on how the system works.</p> <p>20 Q. That's also implementation, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Regardless of all the duties that she</p> <p>23 had regarding implementation her job was still</p> <p>24 intended to be permanent even after it was</p> <p>25 implemented?</p>
<p style="text-align: right;">Page 94</p> <p>1 K. RANDALL</p> <p>2 A. I had a WMI administrator at Upstate,</p> <p>3 so, yes, I felt that was a structure that was</p> <p>4 needed to introduce WMI in Metro New York.</p> <p>5 Q. I am going to ask you to turn to the</p> <p>6 job description again, which is -- I would like you</p> <p>7 to turn to the description and I'll read it into</p> <p>8 the record. "The administrator will act as a</p> <p>9 functional resource for supporting Southern Wines</p> <p>10 Manhattan software WMI series. The candidate will</p> <p>11 assist to configure, operate, train, oversee and</p> <p>12 analyze our WMI and operations functions to achieve</p> <p>13 project objectives, to ensure smooth start up, and</p> <p>14 transition by providing leadership and training to</p> <p>15 the local staff. Southern Wine corporate will</p> <p>16 drive the WM application process."</p> <p>17 Was this position intended to be help</p> <p>18 in the transition or was this position intended to</p> <p>19 be permanent?</p> <p>20 A. I always had it permanently Upstate. I</p> <p>21 always had the two positions Upstate.</p> <p>22 Q. You put in here the person's job to</p> <p>23 ensure smooth start up and transition, correct?</p> <p>24 A. That's what it says, correct.</p> <p>25 Q. That's a transition from, was it</p>	<p style="text-align: right;">Page 96</p> <p>1 K. RANDALL</p> <p>2 A. Sure, that was in my mindset. Training</p> <p>3 never goes away.</p> <p>4 Q. If you could turn to the page that</p> <p>5 starts, strategy 50 percent. It says here her job</p> <p>6 is to participate in operational initiatives as</p> <p>7 necessary. Do you know what that means?</p> <p>8 A. No, I don't really know exactly. I am</p> <p>9 going to guess that this means if we have the</p> <p>10 initiative to do something within the system she</p> <p>11 would participate within that initiative to strive</p> <p>12 a certain outcome.</p> <p>13 Q. So let's go to, if you go down to the</p> <p>14 results, and the metrics position will be measured</p> <p>15 against it. It is halfway down the page on SGWS</p> <p>16 0008 98. These were the measures upon which her</p> <p>17 success would be determined?</p> <p>18 A. If that's what the job description</p> <p>19 says, yes.</p> <p>20 Q. So she would be -- her job performance</p> <p>21 would be measured against the quality of</p> <p>22 development of application solutions with adherence</p> <p>23 to the budget and schedules. Was that ever</p> <p>24 explained to her what that means?</p> <p>25 A. Probably not.</p>

24 (Pages 93 to 96)

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<p style="text-align: right;">Page 97</p> <p>1 K. RANDALL</p> <p>2 Q. How about accomplishment of planned</p> <p>3 objective, was that ever explained to her what that</p> <p>4 means?</p> <p>5 A. The objective here was to get us up and</p> <p>6 running and do it in an efficient manner.</p> <p>7 Q. "Ability to create and implement</p> <p>8 solutions in business needs which results in the</p> <p>9 desired business results in lowest cost of</p> <p>10 ownership overtime." Was that ever explained to</p> <p>11 her?</p> <p>12 A. Probably not.</p> <p>13 Q. How about "compliance to the</p> <p>14 development standards and processes." Was that</p> <p>15 ever explained to her what that means?</p> <p>16 A. I wouldn't have been the one to do</p> <p>17 that. I think all of these was what she was doing</p> <p>18 before for the most part.</p> <p>19 Q. All of this was on her prior job</p> <p>20 application?</p> <p>21 A. I think for the most part this was what</p> <p>22 she was doing.</p> <p>23 Q. How about "effective rationalization of</p> <p>24 applications linked to the overall Southern</p> <p>25 rationalization standardization approach"?</p>	<p style="text-align: right;">Page 99</p> <p>1 K. RANDALL</p> <p>2 A. I would have to say, yes. She had to</p> <p>3 run reports out of the system so I would have to</p> <p>4 assume so. Did I know that she did, no.</p> <p>5 Q. What is SQL?</p> <p>6 A. Send out a report if you want to do a</p> <p>7 query and submit information and pull it into our</p> <p>8 system.</p> <p>9 Q. It says here "domestic travel only."</p> <p>10 What kind of domestic travel did she do?</p> <p>11 A. The most that she would have ever done</p> <p>12 would be domestic going to other sites, be it</p> <p>13 Upstate or New Jersey or Maryland, as some of our</p> <p>14 people do from time to time. It states here "State</p> <p>15 of New York, New Jersey primarily."</p> <p>16 Q. Now once you terminated Maria, who took</p> <p>17 over her job duties?</p> <p>18 A. I believe it would have been one of the</p> <p>19 managers on the floor, I'm assuming. I'm going to</p> <p>20 guess Barry Finkelstein probably took some lead</p> <p>21 from John. He worked for John.</p> <p>22 Q. Did Barry have a full-time job before?</p> <p>23 A. He was the day manager of the</p> <p>24 warehouse.</p> <p>25 Q. Do you know whether Barry Finkelstein</p>
<p style="text-align: right;">Page 98</p> <p>1 K. RANDALL</p> <p>2 A. Probably not to those details. Yes, it</p> <p>3 says corporate does a lot of this application</p> <p>4 process, it was done by corporate.</p> <p>5 Q. Let's go down to the educational</p> <p>6 requirements. Did Maria have a bachelor's degree?</p> <p>7 A. I don't know that.</p> <p>8 Q. Did she have a graduate degree?</p> <p>9 A. I do not know that.</p> <p>10 Q. Did she have three plus years</p> <p>11 experience with AS 400 systems RPGLE CLLE AS 400 a</p> <p>12 Query plus?</p> <p>13 A. Yes.</p> <p>14 Q. How do you know that she had that</p> <p>15 knowledge?</p> <p>16 A. AS 400 is what we use, not all of that</p> <p>17 but it is the system we use.</p> <p>18 Q. When you say AS 400 what does that</p> <p>19 stand for?</p> <p>20 A. It's the system. I don't know. But AS</p> <p>21 400 is part of our SAP versus our system of how we</p> <p>22 input everything in. She had done this for years.</p> <p>23 Q. How about if we turn to page, the next</p> <p>24 page, which would be SCWS 899. Did she have</p> <p>25 advanced understanding of SQL?</p>	<p style="text-align: right;">Page 100</p> <p>1 K. RANDALL</p> <p>2 took over Maria's responsibilities?</p> <p>3 A. I believe that he did.</p> <p>4 Q. Who took over Barry Finkelstein's</p> <p>5 responsibilities or he did his responsibilities and</p> <p>6 Maria's responsibilities?</p> <p>7 A. He did.</p> <p>8 Q. Did he receive an increase in</p> <p>9 compensation?</p> <p>10 A. No.</p> <p>11 Q. So he was doing the work of two people</p> <p>12 but he did not get any increase in salary?</p> <p>13 A. Good employee.</p> <p>14 Q. Did he have to work more hours to get</p> <p>15 both of these jobs done?</p> <p>16 A. I wouldn't have known that. I don't</p> <p>17 know The counters that he was overseeing at the</p> <p>18 time. They work from eight to five, so he couldn't</p> <p>19 have worked after hours for that. We have a</p> <p>20 mid-shift manager and a night manager. He kind of</p> <p>21 oversaw the whole process.</p> <p>22 Q. And before he oversaw the cycle</p> <p>23 counters Maria was overseeing the cycle counters?</p> <p>24 A. Yes, giving them their work.</p> <p>25 Q. Maria was, like other supervisors or</p>

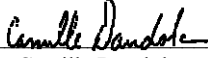
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<p style="text-align: right;">Page 101</p> <p>1 K. RANDALL</p> <p>2 managers, was exempt because she supervised other</p> <p>3 employees; is that fair to say?</p> <p>4 A. It's fair. She didn't move cases, that</p> <p>5 would be a union job.</p> <p>6 Q. Were there any hourly employees who</p> <p>7 were not union employees?</p> <p>8 A. I think that's pretty forbidden. I am</p> <p>9 going to answer no. I think the union would say no</p> <p>10 to that.</p> <p>11 Q. If Maria was doing the work of the</p> <p>12 cycle counter, would she be entitled to union</p> <p>13 protection?</p> <p>14 A. If she was a cycle counter but they</p> <p>15 would have stopped her if she wasn't. The</p> <p>16 warehouse person would have said that's my job.</p> <p>17 Q. Let's assume for example this is just</p> <p>18 hypothetical that Maria was doing the work of the</p> <p>19 cycle counter. In your mind would she be entitled</p> <p>20 to union protection?</p> <p>21 A. She would have had to join the union to</p> <p>22 get that protection. Her job would have had to</p> <p>23 change.</p> <p>24 Q. She would have been prohibited from</p> <p>25 doing the cycle counting by the collective</p>	<p style="text-align: right;">Page 103</p> <p>1 K. RANDALL</p> <p>2 A. I don't, no idea. He didn't discuss</p> <p>3 that with me.</p> <p>4 Q. Do you know if that was an unpleasant</p> <p>5 experience for him?</p> <p>6 A. I have no idea.</p> <p>7 Q. Do you know if his experience in that</p> <p>8 deposition affected his opinion or relationship</p> <p>9 with Maria?</p> <p>10 A. No idea.</p> <p>11 Q. Who would know that?</p> <p>12 A. John. He never discussed that whole</p> <p>13 case with me.</p> <p>14 Q. There is a computer system in effect at</p> <p>15 Southern, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Does each user have unique ID that they</p> <p>18 use to log into the system?</p> <p>19 A. They should, yes.</p> <p>20 Q. The purpose of that is security,</p> <p>21 correct?</p> <p>22 A. The tracking, security, accountability.</p> <p>23 Q. Is it fair to say that if Maria was</p> <p>24 working and she was using a computer to do her job</p> <p>25 that there would be at least at that time a record</p>
<p style="text-align: right;">Page 102</p> <p>1 K. RANDALL</p> <p>2 bargaining agreement?</p> <p>3 A. The union stewards if they catch you,</p> <p>4 protect their own work.</p> <p>5 Q. Was Marcia prohibited from doing the</p> <p>6 work of a cycle counter by a collective bargaining</p> <p>7 agreement?</p> <p>8 A. Yes.</p> <p>9 Q. So if John Wilkinson had instructed her</p> <p>10 to do the work of a cycle counter he would have</p> <p>11 been instructing her to effectively violate the</p> <p>12 collective bargaining agreement?</p> <p>13 A. Yes. If he got caught.</p> <p>14 Q. Whether he gets caught is one thing</p> <p>15 whether he did it is another. He would be</p> <p>16 violating it regardless of whether he got caught.</p> <p>17 A. True.</p> <p>18 Q. Did you ever review John Wilkinson's</p> <p>19 testimony in the Josie Sajous matter?</p> <p>20 A. No, I don't believe that I have ever</p> <p>21 seen that. I can be wrong but I don't believe that</p> <p>22 I have ever seen the whole case. I don't even know</p> <p>23 exactly what it was about.</p> <p>24 Q. Do you know if he was comfortable</p> <p>25 during that deposition?</p>	<p style="text-align: right;">Page 104</p> <p>1 K. RANDALL</p> <p>2 of the time that she was working?</p> <p>3 A. Working? Yes, she has to log in the</p> <p>4 same as I would do.</p> <p>5 Q. You log in at the beginning of your</p> <p>6 day?</p> <p>7 A. Or whenever you use that computer.</p> <p>8 Q. So whenever using a computer you have</p> <p>9 to log in?</p> <p>10 A. Yes.</p> <p>11 Q. So there would have been a record at</p> <p>12 least at that time when Maria was logged into the</p> <p>13 computer?</p> <p>14 A. Yes.</p> <p>15 Q. Did Southern have any time records for</p> <p>16 Maria?</p> <p>17 A. I have no idea. Southern being anyone</p> <p>18 at Southern.</p> <p>19 Q. How long -- do you know how long</p> <p>20 Southern keeps those records of electronic log-ins</p> <p>21 to the computer retention?</p> <p>22 A. No.</p> <p>23 Q. Who would know that?</p> <p>24 A. Maybe someone in corporate could tell</p> <p>25 us if they retain that information and materials, I</p>

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<p style="text-align: right;">Page 105</p> <p>1 K. RANDALL</p> <p>2 don't know.</p> <p>3 Q. In your mind what was Maria Suarez'</p> <p>4 biggest weakness?</p> <p>5 A. I think the inability to learn the new</p> <p>6 system or to be open to the system and taking</p> <p>7 feedback of those who knew it.</p> <p>8 Q. That opinion is based upon the</p> <p>9 information on feedback that you got from John</p> <p>10 Wilkinson and Melissa Johnson, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Is that opinion based upon anything else?</p> <p>13 A. No.</p> <p>14 Q. If John Wilkinson had it out for Maria</p> <p>15 would there be any way for you to know?</p> <p>16 A. No.</p> <p>17 MR. MOSER: I have no further questions.</p> <p>18 (Time Noted: 1:17 p.m.)</p> <p>19 _____.</p> <p>20 Kevin Randall</p> <p>21 Subscribed and sworn to</p> <p>22 Before me this ____ day</p> <p>23 _____, 2022.</p> <p>24 _____</p> <p>25 NOTARY PUBLIC</p>	<p style="text-align: right;">Page 107</p> <p>1 K. RANDALL</p> <p>2</p> <p>3 EXHIBITS PAGE</p> <p>4</p> <p>5 Plaintiff's Exhibit 1</p> <p>6 Interrogatories.....50</p> <p>7</p> <p>8 Plaintiff's Exhibit 2</p> <p>9 Job description.....70</p> <p>10</p> <p>11 Plaintiff's Exhibit 3</p> <p>12 Job posting.....76</p> <p>13</p> <p>14 Plaintiff's Exhibit 4</p> <p>15</p> <p>16 Cycle Counting Daily Procedure.....92</p> <p>17</p> <p>18 R U L I N G S</p> <p>19 PAGE LINE</p> <p>20 10 4</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 106</p> <p>1 K. RANDALL</p> <p>2 I N D E X</p> <p>3 EXAMINATION BY PAGE</p> <p>4 MR. MOSER 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 108</p> <p>1 K. RANDALL</p> <p>2 C E R T I F I C A T E</p> <p>3 State of New York)</p> <p>4 County of Nassau)</p> <p>5 I, Camille Dandola, a Shorthand Reporter</p> <p>6 and Notary Public of the State of New York, do</p> <p>7 hereby certify:</p> <p>8</p> <p>9 That, Kevin Randall, the witness whose</p> <p>10 examination is hereinbefore set forth, was</p> <p>11 duly sworn, and that such examination is a</p> <p>12 true record of the testimony given by such</p> <p>13 witness.</p> <p>14</p> <p>15 I further certify that I am not related</p> <p>16 to any of the parties to this action by blood</p> <p>17 or marriage; and that I am in no way</p> <p>18 interested in the outcome of this matter.</p> <p>19</p> <p>20 </p> <p>21 Camille Dandola</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 ERRATA SHEET FOR: KEVIN RANDALL
 2 KEVIN RANDALL, being duly sworn, deposes and
 3 says: I have reviewed the transcript of my
 4 proceeding taken on 10/03/2022. The following
 5 changes are necessary to correct my testimony.

6	PAGE LINE	CHANGE	REASON
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22	----	-----	-----
23	Witness Signature: _____		
24	Subscribed and sworn to, before me		
25	this ____ day of _____, 20 ____.		
	_____ (NOTARY PUBLIC)	_____ MY COMMISSION EXPIRES	

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